

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-30075**
Date Received: 3/25/1993
Receipt No: X111111
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 503-231-6145
Address: USDI FISH AND WILDLIFE SER
DIVISION OF ENGINEERING
911 NE 11TH AVE
PORTLAND OR 97232-4181

2. Date of Priority: JAN 1, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	36	NW	SE			CANYON

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC; 2 RESIDENCES AND 2 SHOPS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	36	NW	SE		DOMEST	

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THE DEER FLAT NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER NO. 1032 OF FEBRUARY 25, 1909, AS A PRESERVE AND BREEDING GROUND FOR NATIVE BIRDS.

ITEM 5--6" CASED WELL, PUMP, PRESSURE SYSTEM, AND PIPELINE. THE ORIGINAL WELL WAS REPLACED IN 1962.

THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN CLAIM NO. 63-5404.

ADDITIONAL EVIDENCE SUPPORTING THIS BENEFICIAL USE CLAIM IS FOUND IN THE DECLARATION OF KEVIN RYAN.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

RECEIVED

FEB 26 1996

WATER RESOURCES
WESTERN REGION

CIVIL CASE NUMBER: 39576

Ident. Number: 463-30075
Date Received: 3-25-93
Receipt No.: XIIIIII
Received By: V. Kelly

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: United States of America Phone: 503-231-6145
(Fish and Wildlife Service)
Address: Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: January 1, 1938
3. Source: Ground Water (Headquarters Well) Trib. to: _____
4. Point of Diversion:
Township 3N Range 3W Section 36, NW1/4, of SE1/4, B.M.
County of Canyon
Additional Points of Diversion _____
5. Description of diverting works: 6" cased well, pump, pressure system,
and pipeline. The original well was replaced in 1962.
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Domestic	Jan.1	Dec.31	0.06		
7. Total Quantity Claimed is:
0.06 C.F.S. (and/or) _____ A.F.A.
8. Total consumptive use claimed is de minimus Acre Feet Per Annum.
9. Non-irrigation uses: Domestic; 2 residences and 2 shops.

United States of America
Fish and Wildlife Service

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
3N	3W	36	NW		SE		D	

Total Number of Acres Irrigated _____

11. Place of use, county(ies): Canyon

12. Do you own the property listed above as place of use? Yes.

13. Other Water Rights Used: None.

14. Remarks: The Deer Flat National Wildlife Refuge was established by Executive Order No. 1032 of February 25, 1909, as a preserve and breeding ground for native birds.

This claim clarifies and updates information given in claim No. 63-5404.

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice _____
License _____ Permit _____ Decree _____

If applicable provide IDWR Water Right Number 63-5404
Court _____ Case Number _____ Decree Date _____

R3W

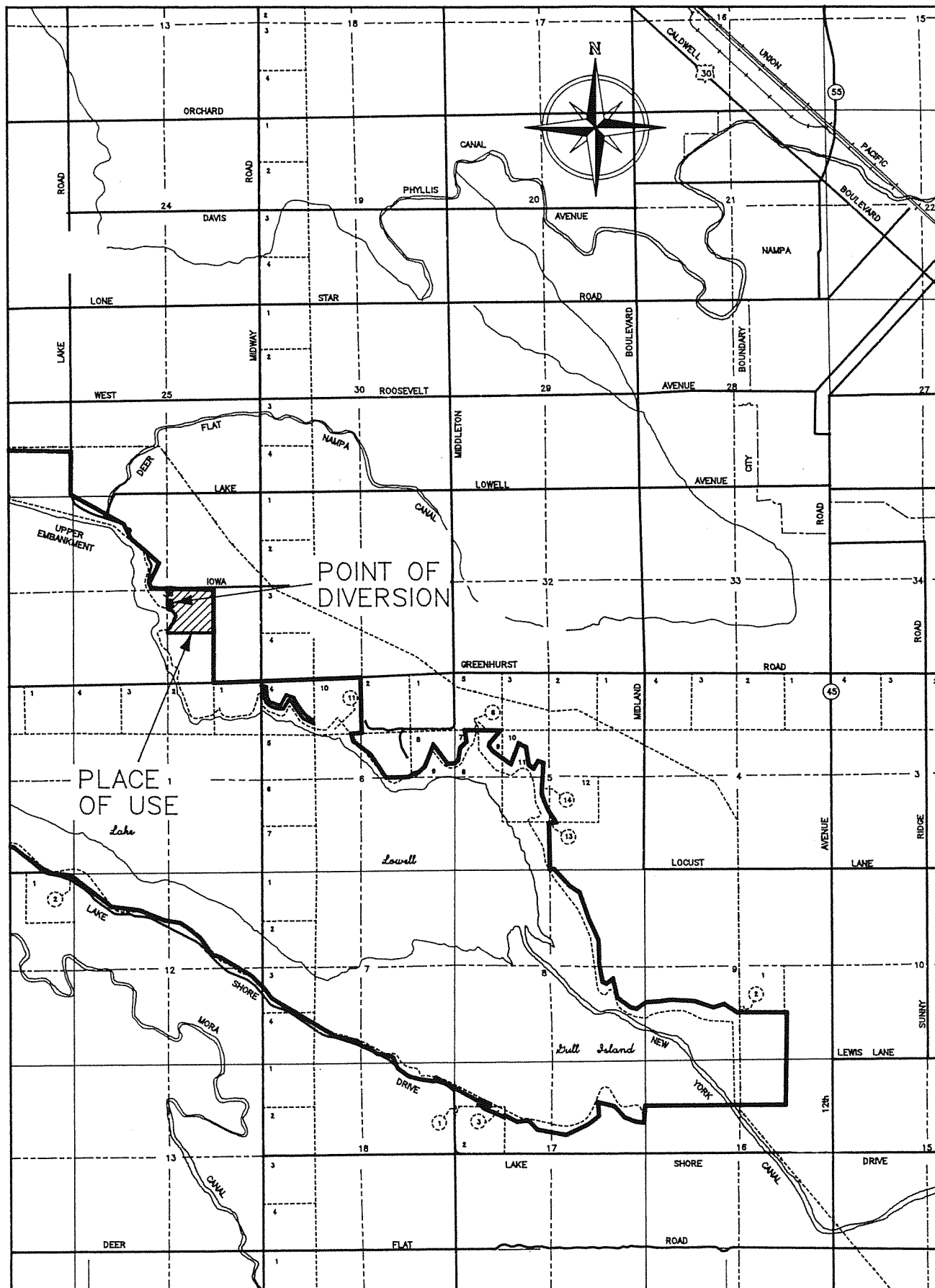
R2W

T 3 N

T 2 N

T 3 N

T 2 N



WATER RIGHT NUMBER 63-5404

Additional Evidence Supporting this
Beneficial Use Claim is found
in the Declaration of Kevin Ryan

Evidence in Support of Beneficial Use Claims
Of United States Fish & Wildlife Service

The following declarations are submitted in support of the beneficial use claims made by the U.S. Fish & Wildlife Service. Each declaration provides evidence regarding one or more claims, as shown in the cross-referencing index below. In addition, for each applicable claim, the last page of the claim refers to the declaration that supports it. In accord with IDWR practice and instructions, declarations have not been provided for small domestic and stockwater claims or for claims supported by a license.

Index of Fish & Wildlife Service Declarations

<u>No.</u>	<u>Declarant</u>	<u>Sub-basin (report area)</u>	<u>Refuge</u>	<u>Beneficial-Use Claim No. or Title</u>
1.	Martha K. Collins	43 (07)	Minidoka	a. Raft River
		35 (05)	Minidoka	b. Gifford Spring
		35 (05)	Minidoka	c. Gifford Spring & assoc. seeps
		35 (05)	Minidoka	d. Unnamed Seeps-- Gifford Slough
2.	Ronald R. Thomasson	35 (05)	Minidoka	a. Gifford Spring
3.	Michael N. Fisher	25 (14)	Grays Lake	a. 25-4032
				b. 25-4032
				c. 25-4034
				d. 25-4046
				e. Eagle Creek
				f. Hdqtrs Pond
4.	Gerald L. Deutscher	31 (08)	Camas	a. Well No. 1
				b. Well No. 2
				c. Well No. 3
				d. Well Nos 4, 5 & 6.
				e. 31-4014 (Well 9)
				f. 31-4066
5.	Kevin Ryan	63 (13)	Deer Flat	a. 63-5404

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FEB 26 1996

WATER RESOURCES
WESTERN REGION

**IDWR ADMINISTRATIVE BASIN 63 CLAIMS
(REPORTING AREA 13)**

RECEIVED

FEB 26 1996

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN
WATER SYSTEM.

The State of Idaho, ex rel.
Keith Higginson in his official
capacity as Director of the Idaho
Department of Water Resources,

Petitioner,

v.

The United States; The State of
Idaho; and all claimants to the
use of water from the Snake River
Basin Water System,

Defendants.

CASE NO. 39576

DECLARATION OF
KEVIN RYAN

I, Kevin Ryan, do declare that:

1. I am a resident of Nampa, Idaho, and am employed by the U.S. Fish and Wildlife Service at Deer Flat National Wildlife Refuge (Refuge). I hold a Bachelor of Science degree in Wildlife Science from Oregon State University, in which profession I have been employed since 1972.

2. My career with the U. S. Fish and Wildlife Service began in September 1972, and has included various assignments as a biologist and manager in Arizona, Wyoming, Alaska, and Idaho. Since December 1989 I have been Refuge Manager of the Deer Flat National Wildlife Refuge, Nampa, Idaho. The Refuge activities I supervise include farming, water management, grazing, fire management, public use, and environmental education.

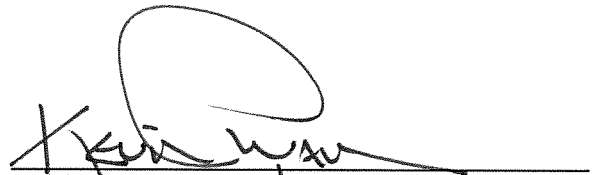
3. My knowledge of Deer Flat National Wildlife Refuge comes from being Refuge Manager since December 1989, from review of archival documents, and from interviews with U.S. Fish and Wildlife Service employees and others knowledgeable of the Refuge and its environs.

4. The United States Department of the Interior, Fish and Wildlife Service, maintains Deer Flat National Wildlife Refuge. This facility requires the use of water to fulfill this purpose.

5. The Deer Flat National Wildlife Refuge was authorized on February 25, 1909, as a preserve and breeding ground for native birds.

6. To the best of my knowledge and belief, the Deer Flat National Wildlife Refuge first put the water claimed as a beneficial use water right in Claim No. 63-5404 to beneficial use in 1938. The original well providing water under this claim was replaced by an adjacent well drilled in 1962. The original well was in use as early as 1938, as evidenced by the Deer Flat National Wildlife Refuge and Snake River National Wildlife Refuge, January 1 to April 30, 1962, Narrative Report (Exhibit A).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12 day of March, 1993.

A handwritten signature in black ink, appearing to read "Kevin Ryan", is written over a horizontal line.

Kevin Ryan
Refuge Manager
U.S. Department of the Interior
Fish and Wildlife Service
Deer Flat National Wildlife Refuge
13751 Upper Embankment Road
Nampa, Idaho 83686

DEER FLAT NATIONAL WILDLIFE REFUGE

AND

SNAKE RIVER NATIONAL WILDLIFE REFUGE

January 1 to April 30, 1962

NARRATIVE REPORT

REFUGE PERSONNEL

Gene H. Crawford, Refuge Manager

Wayne M. Bannon, Clerk-Typist

Frank D. Douglas, Maintenanceman (WAE)

Willis E. Day, Maintenanceman (WAE)

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF SPORT FISHERIES AND WILDLIFE

NAMPA, IDAHO

EXHIBIT

A

DEER FLAT NATIONAL WILDLIFE REFUGE

NARRATIVE REPORT

January 1 to April 30, 1962

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NARRATIVE REPORT FOR THE PERIOD:

January 1 to April 30, 1962

I. GENERAL

A. Weather Conditions.

January was an exceptionally cold month. We were in a "deep-freeze". There were only seven days during the month when the maximum thermometer registered above freezing. Ol' Man Winter unleashed an unusual blast on the area on the 19-20th, spreading a mantle of snow over all of Southwestern Idaho and Eastern Oregon. This storm that swept up from Nevada, laid down seven inches of snow here and over a foot in the higher country. The 40 mile winds drifted the snow from one spot to another blocking all roads. Here at the refuge we had some snowdrifts four and five feet high in the headquarters courtyard. Relatively few people braved the deepest snow to fall since January 19, 1950, and the law enforcement agencies said this resulted in only a few minor highway accidents. The maximum temperature reading for the month was 55 degrees registered on the 7th. The minimum temperature reading was 22 degrees below zero on the 22nd. Precipitation amounted to only .87 of an inch.

For the most part, we experienced cold, frigid air and wintry temperatures during the month of February. The minimum temperature reading was 3 degrees on the 23rd. We experienced light snow showers off and on during the month with 1.32 inches of precipitation registered.

March was a cold, windy month. We had a maximum temperature reading of 68 degrees on the 31st. The minimum temperature reading of 20 degrees was recorded on the 13th. Precipitation amounted to .80 of an inch.

Drouth conditions prevailed during April. Only .41 of an inch of moisture was received. A maximum temperature reading of 85 degrees occurred on the 14th. Area fruit growers were forced to use smudge pots on the 29th when the night-time temperature dipped to 26 degrees. Frost did considerable damage to some fruits, particularly to sweet cherries and apricots. The freeze also tipped alfalfa and clover in fields in low lying areas.

Weather Conditions, continued.

Below are listed the high and low temperatures and the precipitation records which we obtained from the Boise Project Board of Control Office, adjacent to the lower embankment.

<u>Month</u>	<u>Snow</u>	<u>Precipitation</u>	<u>Max. Temp.</u>	<u>Min. Temp.</u>
January	7 in.	.87 in.	55°	-22°
February	3 in.	1.32 in.	52°	3°
March	0	.80 in.	68°	20°
April	0	.41 in.	85°	26°
Totals	10 in.	3.40 in.	Extremes 85°	-22°

B. Habitat Conditions.1. Water.

Due to drouth conditions last year there was a heavy demand for irrigation water from Lake Lowell. Last fall on October 1st the irrigation season was declared over and all outlets were closed. This early out-off date was advanced to conserve carry-over storage for this year. At that time the lake level stood at elevation 2515.16 feet. The crest elevation of the lake is 2530.02 feet. The Boise Project Board of Control released a full head of water down the New York feeder canal into the lake on December 1st. Water continued to flow into the reservoir until December 23rd. This raised the water elevation to the 2521.88 foot mark. The lake level remained at this elevation until February 17th when water was again turned into the lake via the New York Canal. Water continued to flow into the lake until March 20th. This raised the lake level to elevation 2528.38 feet. On April 15th water was again released into the New York feeder canal from the Boise River. On the 20th, with dry soil conditions, there was a demand for irrigation water and most of the water in the New York Canal was diverted into the Mora, Pioneer, Phyllis, Ridenbaugh, and other irrigation canals before it reached Lake Lowell. Some water continued to flow into the lake until the end of the period, but the discharge of water from the gates at the upper and lower embankments into canals and ditches was far greater than the inflow from the New York Canal. As a result, the lake level on April 30th stood at elevation 2527.99 feet.

Water, continued.

Ample water supply appears to be in prospect for this year, after three years of low water levels and drouth conditions. The four reservoirs on the Boise River, including Lake Lowell, now have about 750,000 acre-feet in storage, which is about the same as at this time last year, but the current run-off prospects are much better than a year ago. The peak rate of inflow to the Boise River reservoirs over the last week in April was nearly 11,000 cubic feet per second, due to unseasonably high temperatures a few days earlier. The peak rate of inflow last year was less than 8,000 cubic feet per second and occurred in late May.

2. Food and Cover.

By the first of the year all cultivated grain crops and all green forage had been completely utilized by waterfowl. From the middle of January through February the lake was completely covered with a thick layer of ice and all waterfowl either winged their way southward or moved over to the near-by Snake River where open water was available to them. As the weather warmed in March, accompanied by intermittent showers which revived the growth of native upland grasses, Canada geese, widgeon ducks and coot were well supplied with forage grasses. Discharges during March and April of water into the lake via the New York feeder canal which inundated the mud flats and extensive stands of alkali bulrush, smartweed and other aquatics on the south side of the lake made large amounts of food available to spring migrating waterfowl.

II. WILDLIFE

A. Migratory Birds.

1. Waterfowl.

As of January 1st the area had a population of 4,000 Canada geese, 130,000 mallards, 2,000 widgeon, and 5,000 pintails. As the lake at the time was partly covered with a thin layer of ice, all other species had moved out. From January 13th to February 17th the lake was completely covered with ice and all waterfowl moved over to the near-by Snake and Boise rivers. On February 18th, slightly warmer weather and water starting to flow down the New York feeder canal into the lake, made a considerable amount of open water on the upper one-third of the lake. At that time we observed 1,000 mallards, 400 pintail, and 100 shovelers in the vicinity of the mouth of the canal.

Waterfowl, continued.

The first sign of the spring migration occurred on March 16th, when a limited number of cinnamon teal and 14 whistling swan put in an appearance. At that time the refuge had a population as follows: whistling swan 18, Canada geese 300, ducks 21,350, of which 10,000 were mallards and 200 coot. During the week of March 18-24th the spring migration reached its peak when the area had a population as follows: whistling swan 50, greater Canada geese 300, ducks 26,000 and 200 coot. After that period there was a gradual decline in waterfowl numbers. As of April 30th the refuge had only a small nesting population of 1,200 mallards, 100 widgeon, 100 pintail, 100 g/w teal, 100 shovelers and 2,000 coot.

One note-worthy observation made this period was the increased number of swan using the refuge during spring migration. We made every effort to locate some of the Malheur colored whistling swan but none were observed.

The first brood of ducks, twelve mallard ducklings, were observed April 27th.

2. Waterbirds and Shorebirds.

Water birds have inhabited the refuge in their usual numbers, except avocets, black-necked stilts, and egrets. None of these three species had put in an appearance by April 30th. Generally at this time of the year the lake is populated with eight to ten thousand California and ring-billed gulls. So far this spring, only about half that number have been observed. Western grebe were first observed on March 28th. They were followed closely by eared grebe and a limited number of pied-billed grebe which have just put in an appearance. A few western grebe nest on the upper 1/3 of the lake. The middle of April up to a dozen or so common loons were noted as well as two ospreys.

Great blue heron, black-crowned night heron and double-crested cormorant have again occupied the rockeries in the heavy willow and tall cottonwood trees, both at the mouth of the New York Canal and along the south side of the refuge. Killdeer were common from March to the end of the period. All species of sandpipers as usual, were in short supply.

B. Upland Game Birds.

Even though we experienced severe winter weather and far more snow than usual the first two months of the period, the upland game birds came through in good shape and no out-of-the-sack feeding was necessary.

Upland Game Birds, continued.

With the heavy grass growth throughout the upland areas, it was next to impossible to get an accurate estimate of the ringnecked pheasants. As near as we could determine, in excess of 600 birds were using the refuge at the end of the period. Two coveys of bobwhite quail totaling approximately 50 birds were observed the first part of this period. One covey was observed on the north side of the refuge and the other on the east side of the lake. No mention has been made of valley quail in reports the last two years as none have been observed on Deer Flat. However, on March 22nd a pair was observed on the lawn at headquarters. It was assumed these two birds moved over from the nearby Snake River where this species of quail are quite prevalent. Two nesting pair of gray partridge were located on the east side of the refuge the latter part of this period.

The pheasants, quail and partridge were nesting by the latter part of April, but no broods have been observed at this date.

C. Big Game Animals.

After the shotgun and archery deer-hunting seasons in December on the south side of the lake, the hunters either bagged their game or flushed the animals out of the refuge to the rough sagebrush areas to the south and along the Snake River brakes. As of the first of the year, not more than ten or twelve mule deer inhabited the heavily wooded areas in the vicinity of the New York Canal or along the south side of the refuge.

After this and with no disturbance in the refuge areas, the animals started drifting back in. Later when spring farming activities started in the district others moved in to the cottonwood and willow thickets where they were protected and where food and cover were available to them. At the end of this period 32-35 mule deer were using refuge areas.

D. Fur Animals, Predators, Rodents and Other Mammals.

Two coyotes were removed on the north side of the lake in February with the use of "coyote getters". The coyote getters were set on the refuge by trappers from the Branch of Predator and Rodent Control at our request. No coyotes were observed after that time.

Except for a few muskrats and one colony of beaver, no fur bearing animals inhabited the refuge.

No badgers have been observed this period. We still have a relatively large population of raccoon evidenced by their tracks in the mud flats around the south side of the lake.

Black-tailed jack rabbits continue to be very scarce. Cottontails, while not too numerous, appear to be on the increase.

Fur Animals, Etc., continued.

Last year the cultivated fields were heavily infested with pocket gophers. We enlisted the help of the Branch of Predator and Rodent Control and treated the burrows with 1080 poisoned oats. This spring we have followed through with this work and treated the new mounds and burrows. It appears as if we have almost eliminated the rodents from all our alfalfa and barley fields.

E. Hawks, Eagles, Owls, Crows and Magpies.

Only one observation of eagles was made. That was in December. On December 14th we observed 2 adult golden eagles and 3 adult bald eagles on the upper 1/3 of the lake. These five birds remained on the refuge until December 17th. Our most spectacular count of the winter season was the eagle count on January 13th. This was made by local birdwatchers and myself on the Snake River, a short distance from the Deer Flat Refuge. We identified 11 golden and nine bald eagles along the river in brush thickets on one side of the river and high rim-rock on the other.

Hawks were in short supply. A limited number of marsh and Swainson's hawks were observed. The sparrow hawk is a permanent resident of the refuge. Twelve sparrow hawks were observed this period.

Short-eared owls were common the latter part of the period.

Magpies and crows were noted in their usual numbers.

F. Fish.

Sport fishing was quite popular the latter part of this period. Some good catches of large mouth black bass and crappie were made. Bass up to 4 $\frac{1}{2}$ pounds and crappie better than 2 pounds having been reported. Perch fishing was slow, but bullhead fishing was most attractive on the south side of the lake and all fishermen had no trouble catching large numbers of good sized fish.

III. REFUGE DEVELOPMENT AND MAINTENANCE

A. Refuge Development.

The old domestic well at headquarters, which was purchased with the property in 1938, has caused us considerable trouble. The well casing had rusted to such an extent that the pump was filling the pressure system and water lines with sand which was detrimental to the water system. The first part of the period we drilled a six inch replacement well under Contract No. 14-16-0001-341. The total depth of the new well is 100 feet, with 84 feet of 1/4 inch steel casing and 16 feet of open hole. The well was sealed at ground level with a concrete slab to prevent surface seepage, contamination, and to serve as a foundation and floor to house the pump and pressure system. We installed a pump, pressure system and connected this to the water lines. At the close of the period we were in the process of constructing a small concrete block building to house this new domestic water system.

B. Refuge Maintenance.

A considerable amount of boundary fence was repaired. Rotted wooden posts were replaced with steel posts and barbed wire tightened. Blue Goose and Penalty markers around the boundary fence were replaced where shot-up or otherwise damaged.

Patrol trails were graded. Drain ditches and culvert pipes in patrol roads were cleaned of debris and dirt. Wooden directional signs were repaired and repainted.

During the winter months when conditions prevented outside work, overhead sprinkler irrigation heads, valves and lines were repaired and placed in good operating condition. Minor repairs were also made to farm machinery and tractors.

We started disking and seeding barley fields March 19th. We finished our spring seeding of grain on April 6th.

Three inch aluminum pipe sprinkler irrigation lines were hauled and distributed in newly seeded fields. We started the season's irrigation work April 13th. Sprinkler line moves are again on a contract basis. A Mr. James Foster of Nampa has the contract for moving sprinkler irrigation lines at 92 cents a line change.

C. Fires.

None this period.

IV. RESOURCE MANAGEMENT

A. Grazing.

Two permits, one covering grazing in Unit G-1 for 80 animal use months, and the other for Unit G-2 for 60 animal use months were issued. Cattle are to be grazed in both units.

Seven cattle grazing permits have been issued by us for grazing stock around the lake in accordance with the Memorandum of Agreement between the Boise Project Board of Control and our Bureau. These permits are prepared by us and fees for such use are collected at the end of the grazing season and submitted to the Boise office of the Project Board of Control.

B. Haying.

One or two haying permits will be issued later for harvesting alfalfa and grass hay.

V. FIELD INVESTIGATIONS OR APPLIED RESEARCH

Last winter a coordinated project between the Branch of Research and the Branch of Predator and Rodent Control was conducted to investigate and develop safe methods of controlling starling damage at cattle feed lots in Southwestern Idaho and Eastern Oregon. The entire project, now in its second year, is under the supervision of Mr. Adolph Zajano, Research Biologist, Davis, California. Control tests were made at feed lots in Caldwell, Melba, and Emmett areas, and confined pen experiments to determine and test different toxicants were conducted with live starlings here at refuge headquarters.

VI. PUBLIC RELATIONS

A. Recreational Uses.

When the boating season opened Sunday, April 1st, the weather was quite warm, maximum temperature 68 degrees, and people were out to Lake Lowell from the tri-cities of Caldwell, Nampa and Boise in large numbers. People had been cooped-up all winter and they apparently wanted to get out in the open and enjoy the spring weather. During the day approximately 750 people visited the recreational areas at the upper and lower embankments and the Gott's Point fishing area. Some were picnickers, others fishermen, water skiers or motor boaters. We even had three troupes of boy scouts. A few braved the water to go swimming.

Recreational Uses, continued.

During the balance of the month the recreational areas were well populated, especially on weekends. We have to anticipate what our problems will be this summer when people really flock to the Lake. Supervision of water sports activities on Lake Lowell has been one of our major problems. The Canyon County Commissioners have employed a caretaker for the summer to maintain the latrines and grounds at both the upper and lower embankment recreational areas in a clean and orderly manner.

Other problems that concern us are controlling the general public from dumping rubbish, cutting fences, shooting refuge signs, and trespassing in closed areas. Refuge regulations mean nothing to a lot of people. Until such time as a penalty can be prescribed for violating refuge regulations, our enforcement is limited to warnings.

B. Refuge Visitors (Official)

<u>Name</u>	<u>Date</u>	<u>From</u>	<u>Purpose</u>
Raymond M. Glahn	1-8-62	R. O., Portland, Ore.	Waterfowl Census
Clay Crawford	1-8-62	P&RC, Boise, Idaho	Courtesy Visit
Gordon Stuart	1-8-62	" " "	" "
Nelson Elliot	1-8-62	" , Portland, Ore.	" "
Ade Zanjano	1-23-62	Davis, California	Starling Studies
Harold Hardesty	1-31-62	Tulelake, Calif.	Equipment movement
William Bush	2-9-62	Pocatello G.M.A.	Courtesy Visit
Gordon Stuart	2-19-62	P&RC, Boise	Starling Control
Ron Thompson	2-19-62	" "	" "
Ade Zanjano	3-1-62	Davis, Calif.	" "
Frank Watkins	3-5-62	F&G, Nampa	Courtesy Visit
Ade Zanjano	3-9-62	Research, Davis	Starling Control
Ron Thompson	3-9-62	P&RC, Boise	" "
Gordon Stuart	3-12-62	" "	" "
Jim Johnson	3-13-62	USGMA, Boise	Law Enforcement

Refuge Visitors, continued.

<u>Name</u>	<u>Date</u>	<u>From</u>	<u>Purpose</u>
Clay Crawford	3-16-62	P&RC, Boise, Idaho	Starling Control
Chas. Gibbons	3-21-62	Red Rock Lakes	Courtesy Visit
Wm. Strack	3-26-62	IF&G, Homedale	" "
Kieth Rudd	3-28-62	IF&G, Nampa	" "
Frank Watkins	3-28-62	IF&G, Yellowpine	" "
Ray M. Glahn	3-28-62	R.O., Portland	Aerial Census
Gordon Stuart	3-29-62	P&RC, Boise	Starling Control
Andy T. Eatmon	3-29-62	P&RC, Lewiston, Ida.	" "
J. Owen Ellis	3-29-62	P&RC, Twin Falls, Ida.	" "
Clay Crawford	3-31-62	P&RC, Boise	" "
Gordon Stuart	3-31-62	" "	" "
Frank Watkins	4-2-62	IF&G, Yellowpine	Courtesy Visit
Kieth Rudd	4-2-62	IF&G, Nampa	" "
Lee Means	4-6-62	Nampa Highway Foreman	" "
Elwood Bizeau	4-10-62	IF&G, Boise	Nesting Studies
Ray Glahn	4-11-62	Portland, Oregon	Snake River Aerial Census
Alvin Hutchinson	4-12-62	GSA, Boise	Vehicle Inspection
Mr. Johnson	4-16-62	State Water Board	Courtesy Visit
E. L. Harmon	4-23-62	USBR, Boise	" "

C. Refuge Participation.

In March during National Wildlife Week, I gave talks on conservation, refuge operations and management and showed Bureau films to students at Northwestern Nazarene College in Nampa, the College of Idaho in Caldwell, and to the Maple Grove P.T.A. Association.

Other talks this period were given by me to various school groups, cub scout, boy scout, and girl scout troops.

D. Violations.

Although no cases have been prosecuted in court this period, a large amount of time was spent on patrol work as a preventative measure.

E. Safety.

Staff and SAFETY Meetings were held monthly as required. We held our quarterly fire drill on March 7th. The fire truck and other fire fighting equipment are in good operating condition. Weeds and grass have been cleaned from around all buildings at headquarters. At our staff and SAFETY meetings I always stress the importance of safe operation of automotive equipment, crawler tractors and farm machinery. I also stress the necessity of good housekeeping, the proper disposal of cigarette butts, grease rags, and other inflammable materials. We are proud of our SAFETY record. This refuge has had no lost time accidents for 2,763 days. The previous lost time accident occurred August 1, 1953.

F. Other Items of Interest.

Mr. Cecil M. Standish, refuge clerk, transferred March 3rd to the Bureau of Commercial Fisheries in Seattle Washington as Procurement Agent Assistant. Mr. Wayne M. Bannon, clerk at Red Rock Lakes Refuge in Southwestern Montana, moved here on March 18th to fill the position vacated by Mr. Standish.

SNAKE RIVER NATIONAL WILDLIFE REFUGE

NAMPA, IDAHO

January 1 to April 30, 1962

I. GENERAL

A. Weather Conditions.

Climatic conditions along the stretch of the Snake River comprising this refuge is similar to that at Deer Flat. At one point the two refuges are only four miles apart. During January and February when we experienced sub-zero temperatures and when Lake Lowell of the Deer Flat Refuge was covered with a thick layer of ice, all migratory waterfowl moved over to the Snake River where open water was available to them. The River remained free of ice all during the winter period.

B. Habitat Conditions.1. Water Conditions.

Last fall and early winter the stream flows were the lowest in years on the stretch of the Snake River comprising this refuge. This was caused by drouth conditions last summer coupled with heavy demands for irrigation water in the districts upstream. At the end of the irrigation season hold over storage in the six Bureau of Reclamation reservoirs in Eastern Idaho and Wyoming on the Snake River reached their lowest level in 20 years.

The late fall rains and a much larger than normal snow-pack on the water shed, presents a bright picture of irrigation water and stream flows in the River. By the end of the period all upstream reservoirs had filled and the flow in the River was almost at flood stage.

2. Food and Cover.

Most of the islands provide little or no food for migratory waterfowl. However, all islands this period were margined with a good growth of spikerush, bulrush and watergrass. Even though the stream flow was lower than usual there was a splendid stand of submerged aquatic growth, mostly sago pondweed. Both sides of the River had a good growth of grasses which provided an abundance of browse for Canada geese and other waterfowl.

II. WILDLIFE

A. Migratory Birds.

1. Waterfowl.

The stretch of the Snake River comprising the Snake River Refuge was visited as frequently as possible this period. When time would permit we inspected the islands by boat. At other times the area was inspected by travelling both sides of the River by car. Pilot Glahn and I made an aerial census twice during the period.

The first part of the period there were only a limited number of birds on the River. We had just gone through the waterfowl hunting season and since this area is open to waterfowl hunting in season, the birds for the most part, had been flushed off the area.

From the middle of January through March the area was well populated with birds. On the 2nd of March we observed the first pairing of Canada geese. At that time the River had its peak population of divers when we counted 6,500 common goldeneyes, 500 scaup, 100 buffleheads and 100 redheads. The area had a peak population for the period on March 17th when we counted 500 Canada geese, 20,000 mallards, 5,000 widgeon, 300 pintail, 4,000 goldeneyes, and other species totaling 34,600 birds.

The annual goose nesting survey was made by State Biologist Bizeau and me on April 10th and 11th. All islands of this refuge were covered. We located 50 nests. In addition to this we found one nest had hatched and another where the eggs were pipping. The nests averaged 6 eggs per nest. The recheck of the nests will be made the second week in May. The revisiting of nests will be made to determine if the nests had a successful or unsuccessful hatch. This information will be compiled and submitted in our May-August narrative report.

2. Waterbirds and Shorebirds.

The shorebirds inhabited the area this period in about the same numbers as a year ago. California and ring-billed gulls were common. The latter part of the period we observed limited numbers of tern; the species being common, black and caspian tern. A considerable number of avocets, black-necked stilts, and long-billed dowitchers put in an appearance the latter part of the period. Heron Island, three miles upstream from Homedale, is again heavily populated with nesting heron, both black-crowned and great blues.

B. Upland Game Birds.

Valley quail have again inhabited the islands on the River. The weather during January and February was quite severe with a heavy snow pack in the district. This caused several flocks to move on the islands between Marsing and Homedale where willow thickets and other cover was available to them. While making Canada goose nesting studies, the first part of April, we observed approximately 200 of these birds. They were still in flocks and had not started to pair at that time.

Pheasants are in short supply. Probably not more than a hundred ring-necked pheasants inhabited the islands this period.

C. Big Game Animals.

Big game animals on the islands are limited to a few mule deer. Deer use the heavy brush and willow thickets on the islands as escape cover, especially during the spring months due to heavy agricultural activities on both sides of the River. On most every inspection trip down the River we observe from three to five deer on the islands.

D. Fur Animals, Predators, Rodents, and Other Mammals.

Limited beaver activity was noted below Walter's Ferry Bridge on Blind, Ware and Dilley islands. Here no over-population exists. Probably not more than 20 beaver inhabited these islands.

The River harbors a heavy muskrat population, not only on the islands, but on both banks of the river. All of the muskrats are bank-rats. No muskrat houses have ever been observed along the river.

Predators are limited to a few raccoon. They seem to be in short supply and cause us no concern.

E. Hawks, Eagles, Owls, Crows, and Magpies.

Hawks common to the area this period were red-tailed, pigeon, marsh and Swainson's.

As mentioned previously, one observation of eagles was made when we located eleven golden and nine bald eagles on January 13th high on the rim-rocks above the River upstream from Marsing.

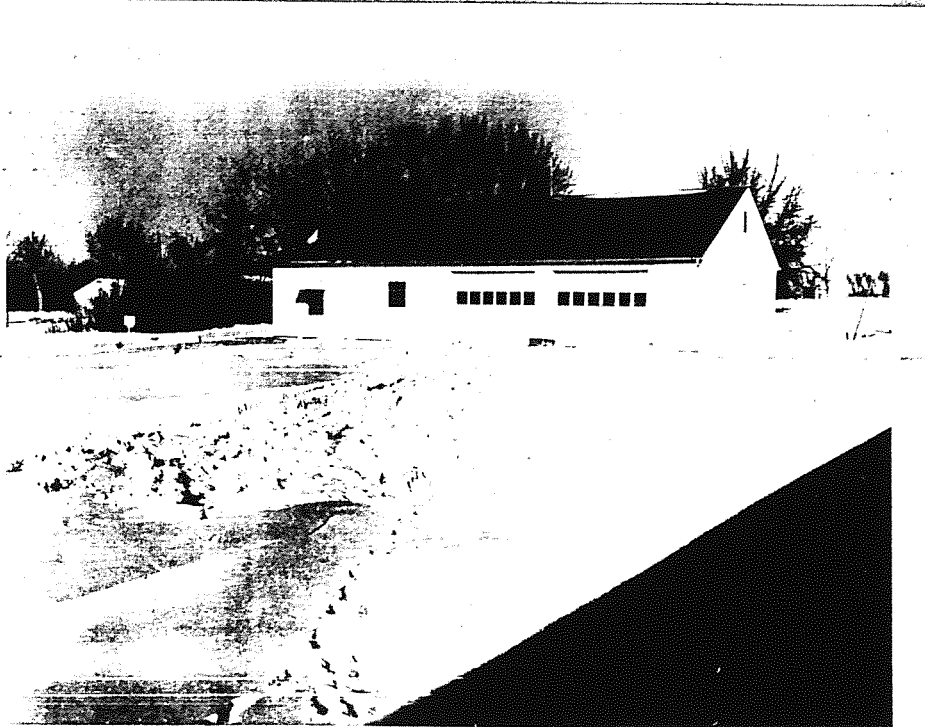
During the first two weeks of March the Branch of Predator and Rodent Control eliminated 80,000 starlings on Heron Island. They used a new toxicant called Code DRC633 which was pen tested on starlings at Deer Flat prior to field use on concentrations of these birds on Heron Island.

F. Fish.

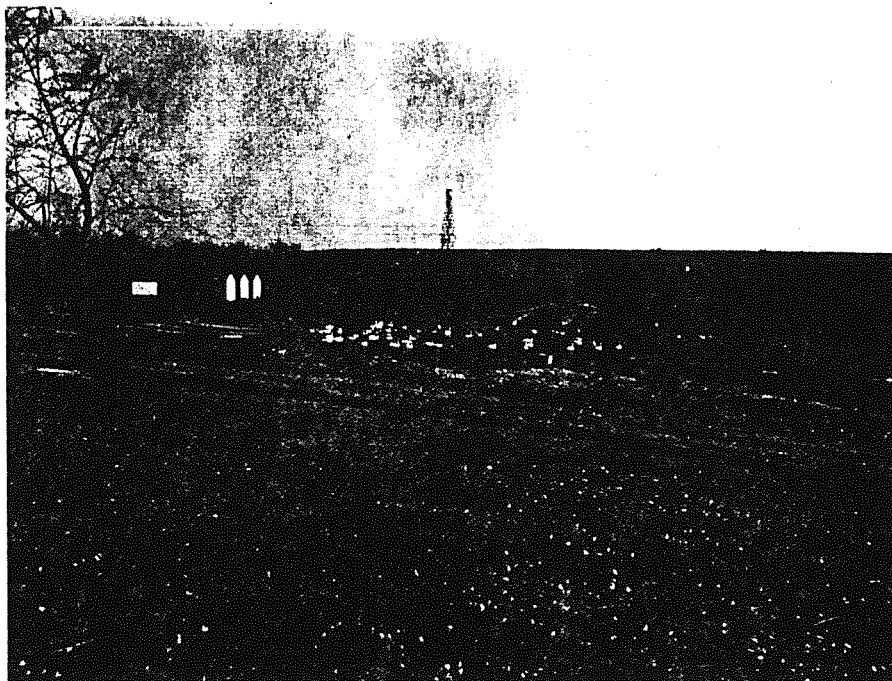
Very few fishermen were observed along the River the first part of the period. This was due primarily to cold weather and low stream flow. Later, as warm weather approached, many people were observed fishing. On every trip down the river the latter part of the period we observed twenty to twenty-five bank fishermen. The River is heavily infested with carp and to a lesser degree other nongame fish such as suckers, chisel mouth, and squaw fish. In spite of this we observed many nice catches of crappie, bass and channel catfish. Many fishermen were after salmon, trout or sturgeon, but to our knowledge none were caught.



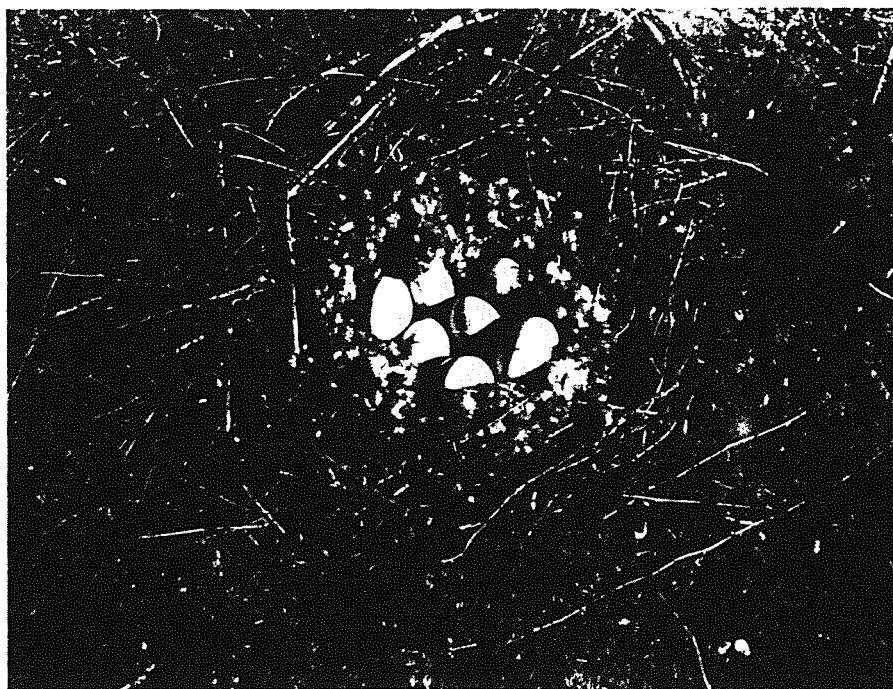
Photo from Service building looking across the court yard
towards the Clerk's residence showing heavy blanket of snow.
1-20-62



The Service building and surrounding grounds. The heavy snow
storm and high winds of January 19-20th piled snow into drifts
blocking roads. 1-20-62



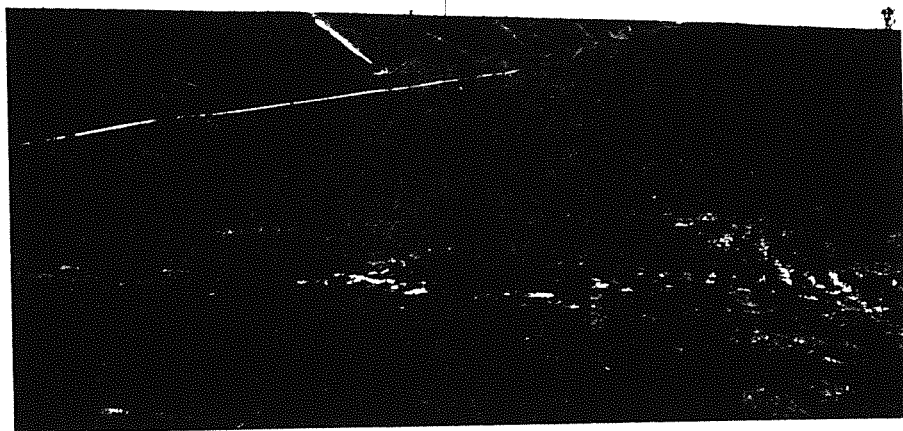
Whistling swan feeding and resting in cove at headquarters. Far more swan visited the refuge during the spring migration than for several years. 3-24-62



On April 10-11th State Biologist Bizeau and I visited the islands on the Snake River Refuge. We located 52 Canada goose nests. One had hatched and another was found to have two goslings hatched and the balance of the eggs pipping. 4-10-62



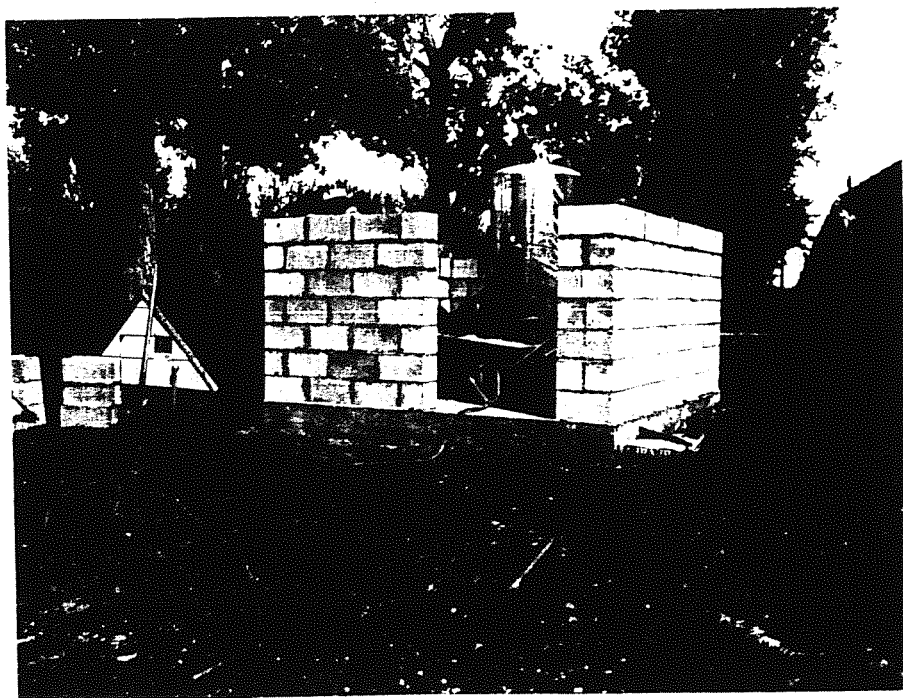
Photos of Heron rookery on island of the Snake River
Refuge. 4-10-62



Overhead sprinkler irrigation lines in operation in
barley and alfalfa fields. 4-14-62



Students and their instructor from the Biology class of the Payette high school visited the refuge to obtain first-hand information on refuge operations and to make bird identifications.
4-14-62



Maintenancemen Douglas & Day constructing small concrete block building to house newly drilled domestic water well and pressure system. 4-27-62

05/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-30075

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 97232-4181

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1938

POINT OF DIVERSION:

T03N R03W S36 NWSE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.060 CFS

Domestic use is for 2 homes and 2 shops.

PLACE OF USE: DOMESTIC Within CANYON County

T03N R03W S36 NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

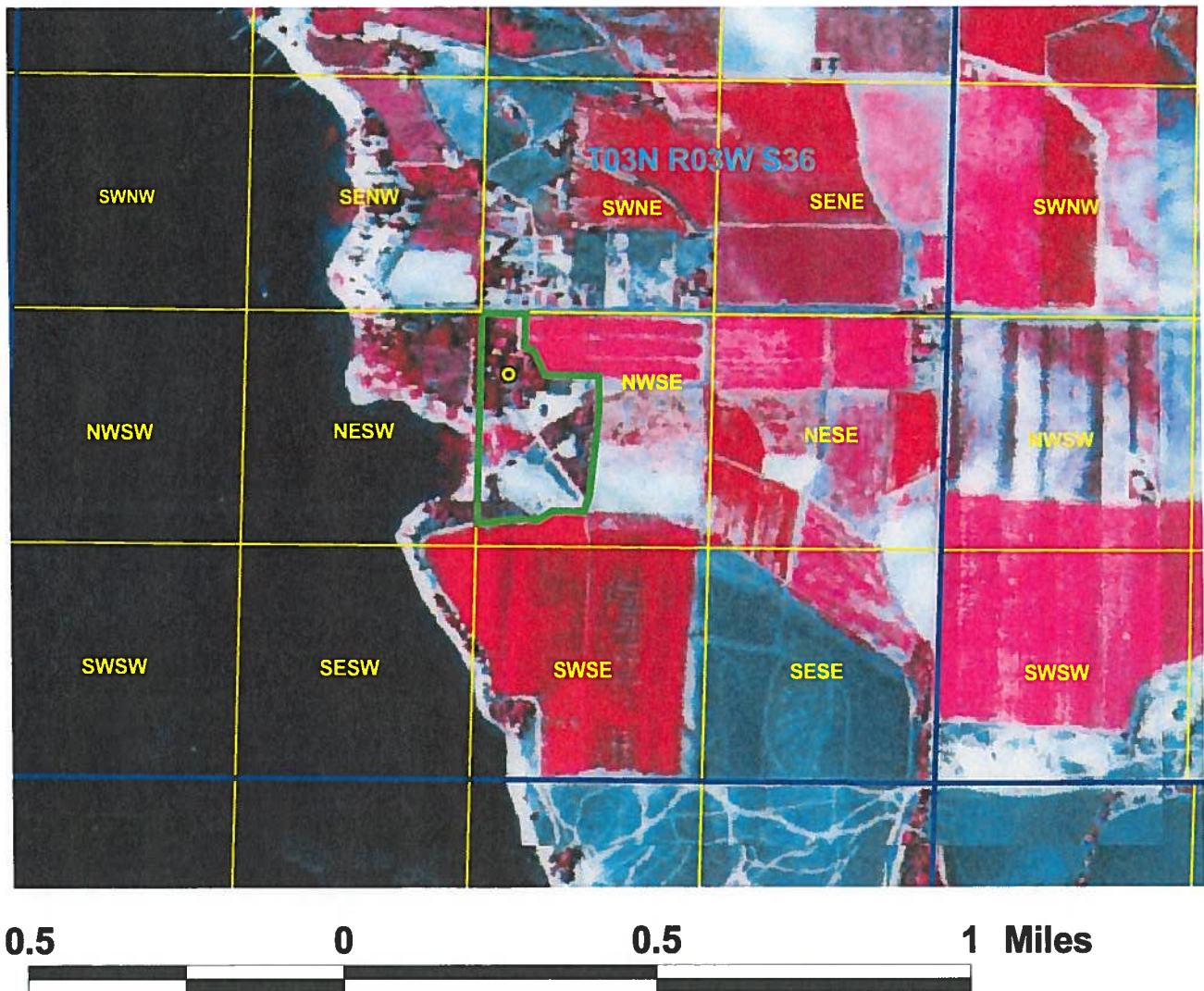
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 36
WATER RIGHT (S): 63-30075



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-30075

FROM: DANIEL A. NELSON

DATE: 5/18/06

SUBJECT: CLAIM REVIEW

This file was claimed for domestic use for 2 residences and 2 shops. All of these uses are under single ownership, therefore, they should be allowed under the domestic exemption criteria of Idaho Code 42-111 (a). With this exemption they are allowed up 13,000 gallons per day. Part (a) of Idaho Code 42-111 does not require a limitation of the diversion rate, so the 0.06 cfs seems reasonable for the multiple uses. There are times that diversion rates over 0.20 cfs seem suspect due to extreme rate of diversion, but this claim is well under this diversion rate. The 13,000 gallons per day should be acceptable, since it is unlikely that they use more than this amount for in-house and shop uses. All irrigation uses for the surrounding yards should be adequately covered by water right 63-2898. The original well was replaced in 1962, but this can be considered an accomplished transfer, since it was done prior to 1987.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-30075 V1

WATER RIGHT NUMBER: 63-30075 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI FISH AND WILDLIFE SERVICE DIVISION OF ENGINEERING 911 N E 11TH AVE PORTLAND, OR 97232-4181 (503)231-6145
Attorney	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663

Priority Date: 01/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 36, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	03W	36														X			

Conditions of Approval:

1. X01 Domestic use is for 2 homes and 2 shops.
2. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30075 V1

4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. dnelson 5/18/2006 Claimant Remarks

Comment: THE DEER FLAT NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER NO. 1032 OF FEBRUARY 25, 1909, AS A PRESERVE AND BREEDING GROUND FOR NATIVE BIRDS. ITEM 5--6 inch CASED WELL, PUMP, PRESSURE SYSTEM, AND PIPELINE. THE ORIGINAL WELL WAS REPLACED IN 1962. THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN CLAIM NO. 63-5404. ADDITIONAL EVIDENCE SUPPORTING THIS BENEFICIAL USE CLAIM IS FOUND IN THE DECLARATION OF KEVIN RYAN.

2. dnelson 5/18/2006 Claim Review

Comment: This file was claimed for domestic use for 2 residences and 2 shops. All of these uses are under single ownership, therefore, they should be allowed under the domestic exemption criteria of Idaho Code 42-111 (a). With this exemption they are allowed up 13,000 gallons per day. Part (a) of Idaho Code 42-111 does not require a limitation of the diversion rate, so the 0.06 cfs seems reasonable for the multiple uses. There are times that diversion rates over 0.20 cfs seem suspect due to extreme rate of diversion, but this claim is well under this diversion rate. The 13,000 gallons per day should be acceptable, since it is unlikely that they use more than this amount for in-house and shop uses. All irrigation uses for the surrounding yards should be adequately covered by water right 63-2898. The original well was replaced in 1962, but this can be considered an accomplished transfer, since it was done prior to 1987.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/28/2006	scurtis	Active
Summary			03/28/2006	scurtis	Active
Summary			03/28/2006	scurtis	Active
Contacts	5/18/2006 9:26:21 AM	dnelson			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30075 V1

Priority Date	5/18/2006 9:27:31 AM	dnelson	Active
POD	5/18/2006 9:34:45 AM	dnelson	Active
Source	5/18/2006 9:35:33 AM	dnelson	Active
POU	5/18/2006 9:37:17 AM	dnelson	Active
Use	5/18/2006 9:38:10 AM	dnelson	Active
Season	5/18/2006 9:38:49 AM	dnelson	Active
Quantity	5/18/2006 9:39:38 AM	dnelson	Active
Summary	05/18/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	5/18/2006 9:26:21 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Exempt use no field exam needed.
General	5/18/2006 9:27:31 AM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Claimant submitted a narrative explaining proof of priority.
POU	5/18/2006 9:36:53 AM	dnelson	Updated shape for Active POU
Use	5/18/2006 9:38:10 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - A narrative was supplied by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30075 V1

Season	5/18/2006 9:38:49 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/18/2006 9:39:38 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Measurement is not required for exempt uses.
Summary	5/18/2006 9:41:19 AM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	3/28/2006 9:26:34 AM	scurtis	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
Summary	3/28/2006 9:27:31 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
Summary	3/28/2006 9:33:16 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
POD	5/18/2006 9:31:32 AM	dnelson	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30075 V1

POD	5/18/2006 9:34:46 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - The original well was replaced in 1962, since this was prior to 1987 it can be considered an accomplished transfer.
Source	5/18/2006 9:35:34 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source verification not required on exempt rights.
POU	5/18/2006 9:37:17 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - 1987 and 2004 aerial photos and claimant maps.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30075

WATER RIGHT NUMBER: 63-30075

Owner TypeName and Address

Current Owner

UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181
(503)231-6145

Attorney

JACK HAUGRUD
US DEPT OF JUSTICE
LAND & NATURAL RESOURCE SEC
PO BOX 663
WASHINGTON, DC 20044-0663

Priority Date: 01/01/1938

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

DOMESTIC

1/01 to 12/31

0.060 CFS

Total Diversion:

0.060 CFS

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4

Sec. 36, Twp 03N, Rge 03W, B.M.

CANYON County

Place of Use

DOMESTIC

Twp Rge Sec

NE				NW				SW				SE				Totals
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	36														X

Conditions of Approval:

- THE DEER FLAT NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER NO. 1032 OF FEBRUARY 25, 1909, AS A PRESERVE AND BREEDING GROUND FOR NATIVE BIRDS. ITEM 5--6" CASED WELL, PUMP, PRESSURE SYSTEM, AND PIPELINE. THE ORIGINAL WELL WAS REPLACED IN 1962. THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN CLAIM NO. 63-5404. ADDITIONAL EVIDENCE SUPPORTING THIS BENEFICIAL USE CLAIM IS FOUND IN THE DECLARATION OF KEVIN RYAN.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 3/25/1993

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

Mitigation Plan: False

Combined Use Limits:

OK

OK PER DOCUMENTATION

OK TO ALLOW 0.06
LIMIT TO 0.06 CFS

OK

OK

COPY
TO
COMMENTS

Conditions: N-13 N-10
C03 new well in 1962
X-01

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5404

WATER RIGHT NUMBER: 63-5404

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF INTERIOR FISH & WILDLIFE SERVICE 911 NE 11TH AVE PORTLAND, OR 97232-4181 (503)231-6251

Priority Date: 01/29/1962

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.110 CFS	
	<u>Total Diversion:</u>	0.110 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 36, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	03W	36									X								

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5404

Licensed Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that U.S. Fish and Wildlife Service
(name of claimant)
of 500 NE Multnomah Street, Portland, OR 97232, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
 _____, tributary to, _____

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: $(f_1) < (f_2)$

Amount 50 GPM Use Domestic Period of Use: From Jan. 1 To Dec. 31

Amount	Use	Period of Use: From	To
--------	-----	---------------------	----

Amount	Use	Period of Use: From	To
--------	-----	---------------------	----

(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)
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- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 50 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) January 29, 1962

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 36 Twp. 3N Rge. 3W B. M. County of Canyon

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Well

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

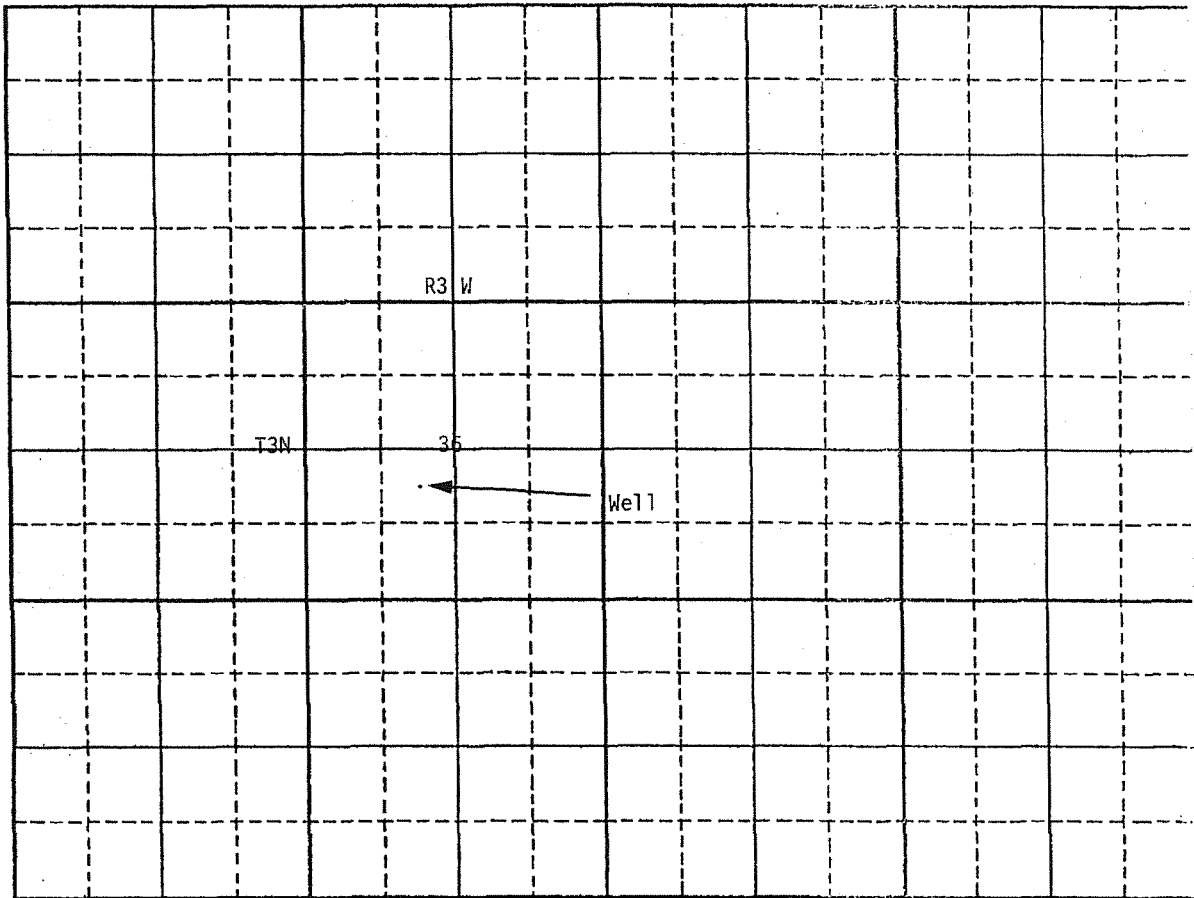
[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic water supply for two residences at Deer Flat National Wildlife Refuge

- (7) If you are claiming water as a member of an organization, list name of organization: U.S. Fish and Wildlife Service JUN 5 0 1988

- (8) Remarks In 1938 a well was drilled at this location to serve one residence.
The quantity of water from this well diminished and in January 29, 1962, a new well
was drilled. This new well serves two residences.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Oregon)
Idaho) ss.
County of Multnomah)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 5th day of February, 19 88.

Robert K. Orr
Program Analyst, USFWS(Claimant)

Mary H. Spence
Notary Public

Residing at 500 N.E. Multnomah
Portland, OR 97223

My commission expires 2-24-90

For Department Use Only

Received by ml Date 2-8-88
Prelim. check by BD Date 2/9/88
\$10.00 fee received by JP Date 2/9/88
Approved for publication by _____
Published in Press-Tribune 3/16 & 3/23/88

Exception filed by: _____

Forwarded to _____ Date _____
claimant by: _____

JUN 30 1988

\$ 30

\$170 balance received 3/8/88, receipt # W000021
BD 3/8/88

[illegible]

