

12/23/2004

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

RIGHT NUMBER: 25-4005

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: EAGLE CREEK

TRIBUTARY: GRAYS LAKE

QUANTITY: 1.370 CFS

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

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:

T04S R43E S23 NENE Within BONNEVILLE County

T04S R43E S23 NENWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.370 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T04S R43E S23 SWNE 16.6 T04S R43E S23 SENW 36.0

T04S R43E S23 NWSE 15.7

STOCKWATER same as IRRIGATION

68.3 ACRES TOTAL

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

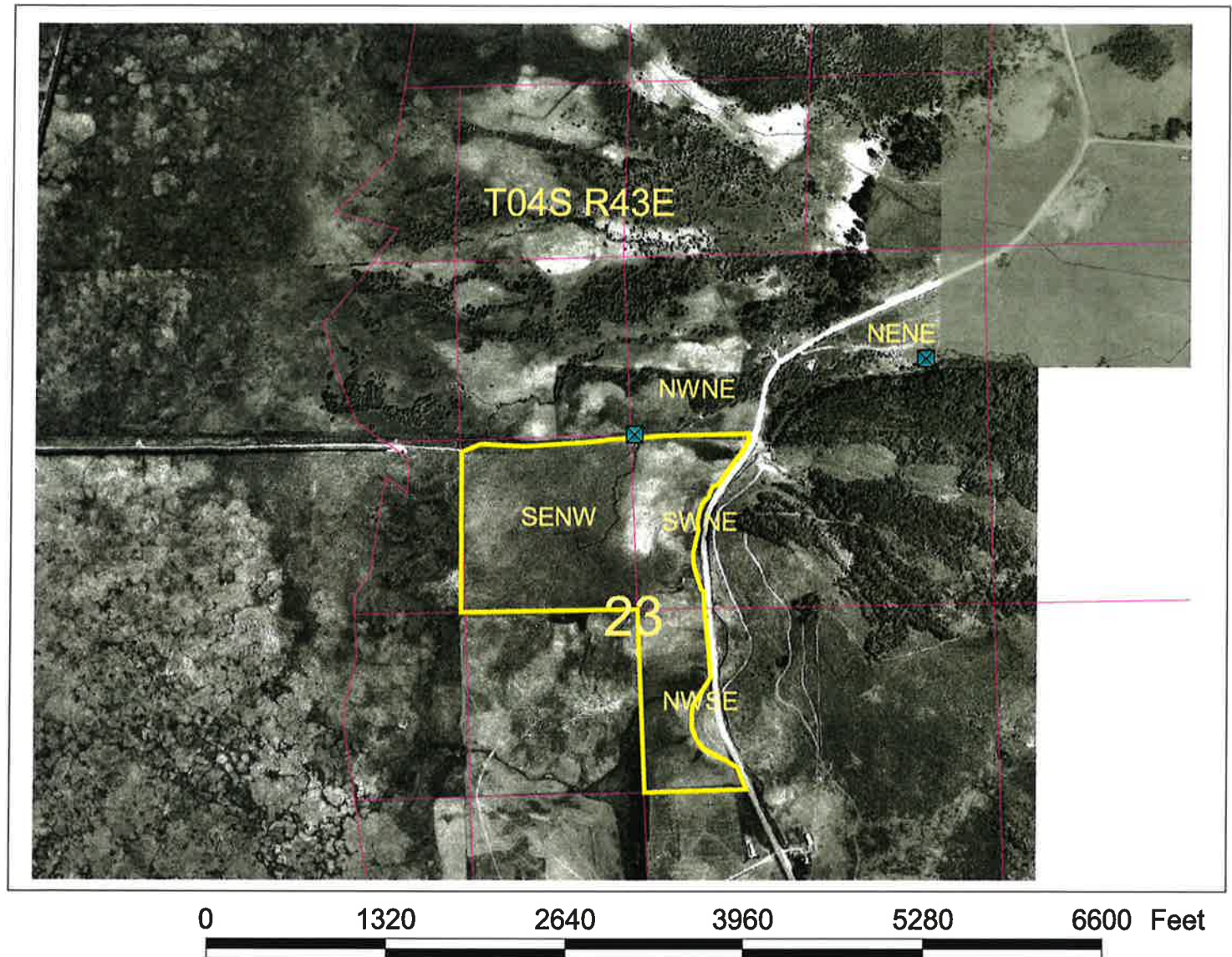
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

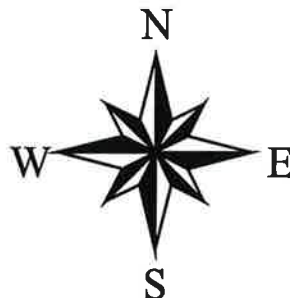
EXPLANATORY MATERIAL: Beneficial Use

Department of Water Resources

Claim No.: 25-4005



- Point of diversion.shp
- Place of use.shp
- Grays_lake_idtm83.shp



GIS Place of Use Illustration
1992 Aerial Photography
Prepared by: E. Carlsen
Date: December 2004

08/20/2004

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

RIGHT NUMBER: 25-4005

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: EAGLE CREEK

TRIBUTARY: GRAYS LAKE

QUANTITY: 1.478 CFS

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

PRIORITY DATE: 04/01/1888

05-01-1888

POINT OF DIVERSION:

T04S R43E S23 SENWNE Within BONNEVILLE County

T04S R43E S23 NWSWNE Within BONNEVILLE County

~~T04S R43E S23 NWSWNE Within BONNEVILLE County~~ *omit*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

1.428 CFS

STOCKWATER

01/01 12/31

0.050 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T04S R43E S23 SWNE 16.9

T04S R43E S23 SENW 36.5

T04S R43E S23 NWSE 18.0

STOCKWATER same as IRRIGATION

71.4 ACRES TOTAL

Check acreage.

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

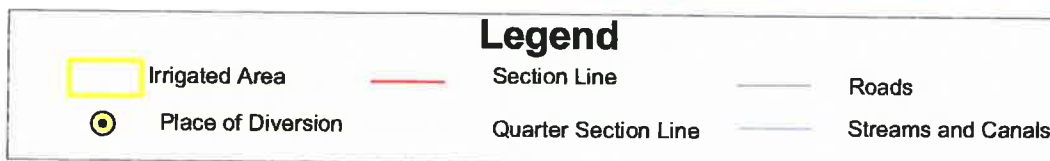
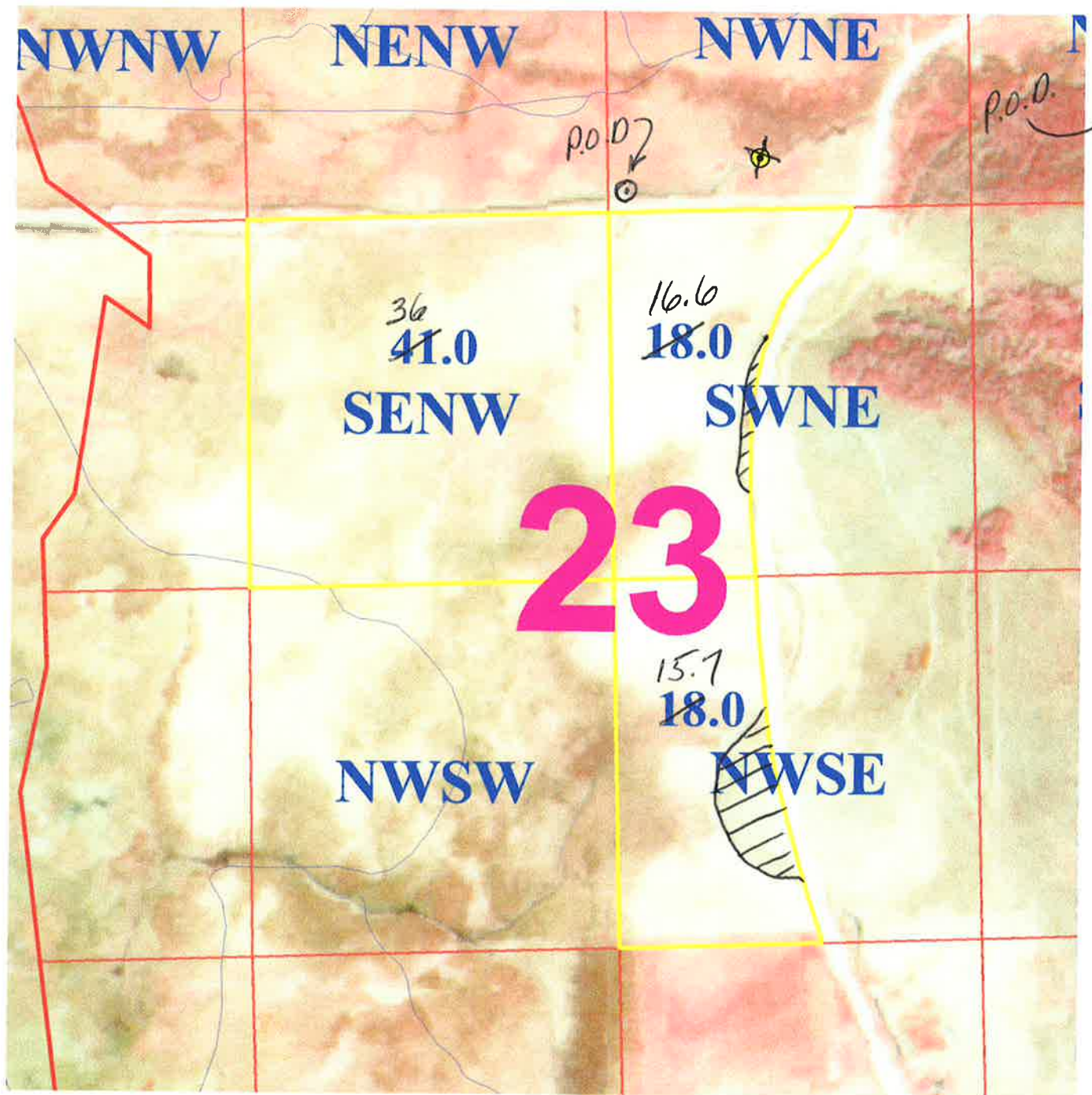
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The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number 25-04005
Township , 4S43E

11/15/2000



SPATIAL
DYNAMICS





U.S. Fish & Wildlife Service
Grays Lake National Wildlife Refuge
Bonneville County, Idaho

Claim Number 25-04005 Place of Use



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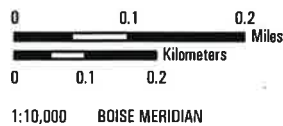
JAN 12 2005

Department of Water Resources

Air Photo: NAIP 7/11/2004

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim25-04005_20040711.MXD, 1/10/05



Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6251





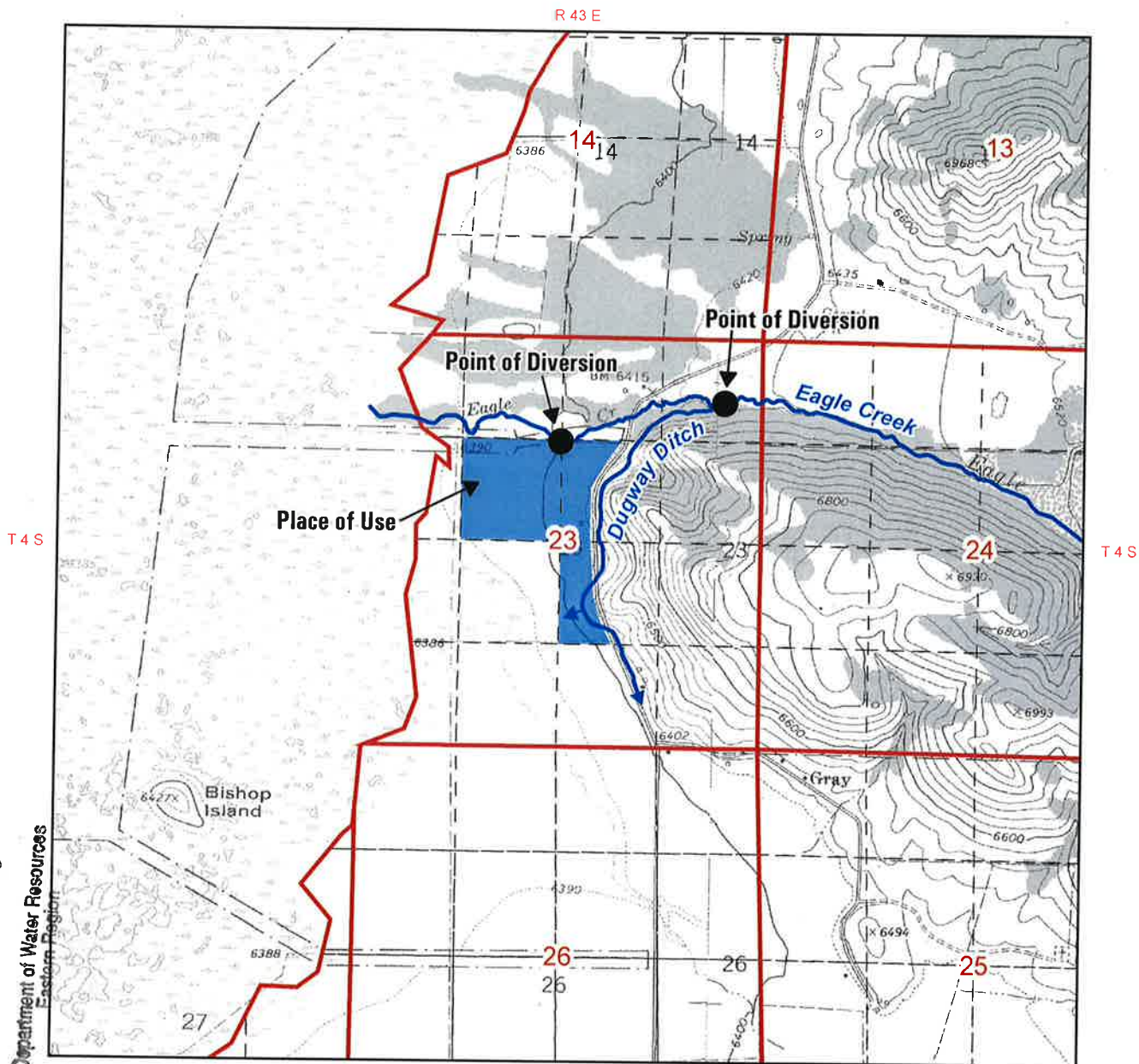
U.S. Fish & Wildlife Service

Grays Lake National Wildlife Refuge

Bonneville County, Idaho

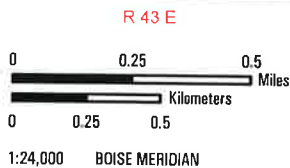
Map for Claim Number 25-04005

SOURCE: EAGLE CREEK
QUANTITY: 1.37 CFS, 0.05 CFS
POINT OF DIVERSION: T04S R43E S23 NWSWNE & NENE
PURPOSE OF USE: IRRIGATION, STOCKWATER



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim25-04005.MXD, 1/10/05



Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6251



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JAN 12 2005

Department of Water Resources
Eastern Region

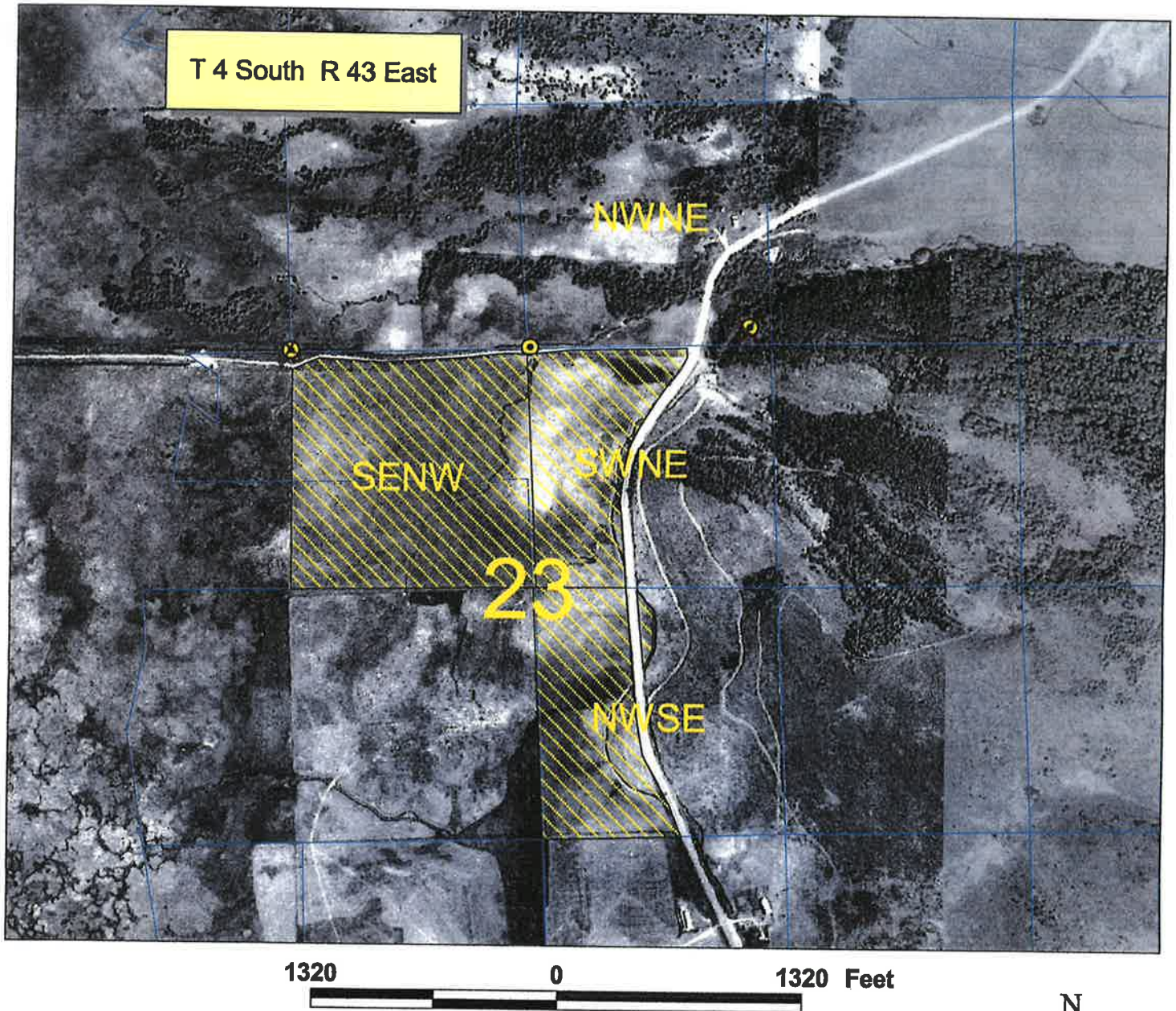


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-4005



- Place of Use
- Point of Diversion
- GCDB04S43E GCDB

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NOV 08 2004



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: April 2004

25-4005

#429
25-13722

#430

senw

swne

nwse

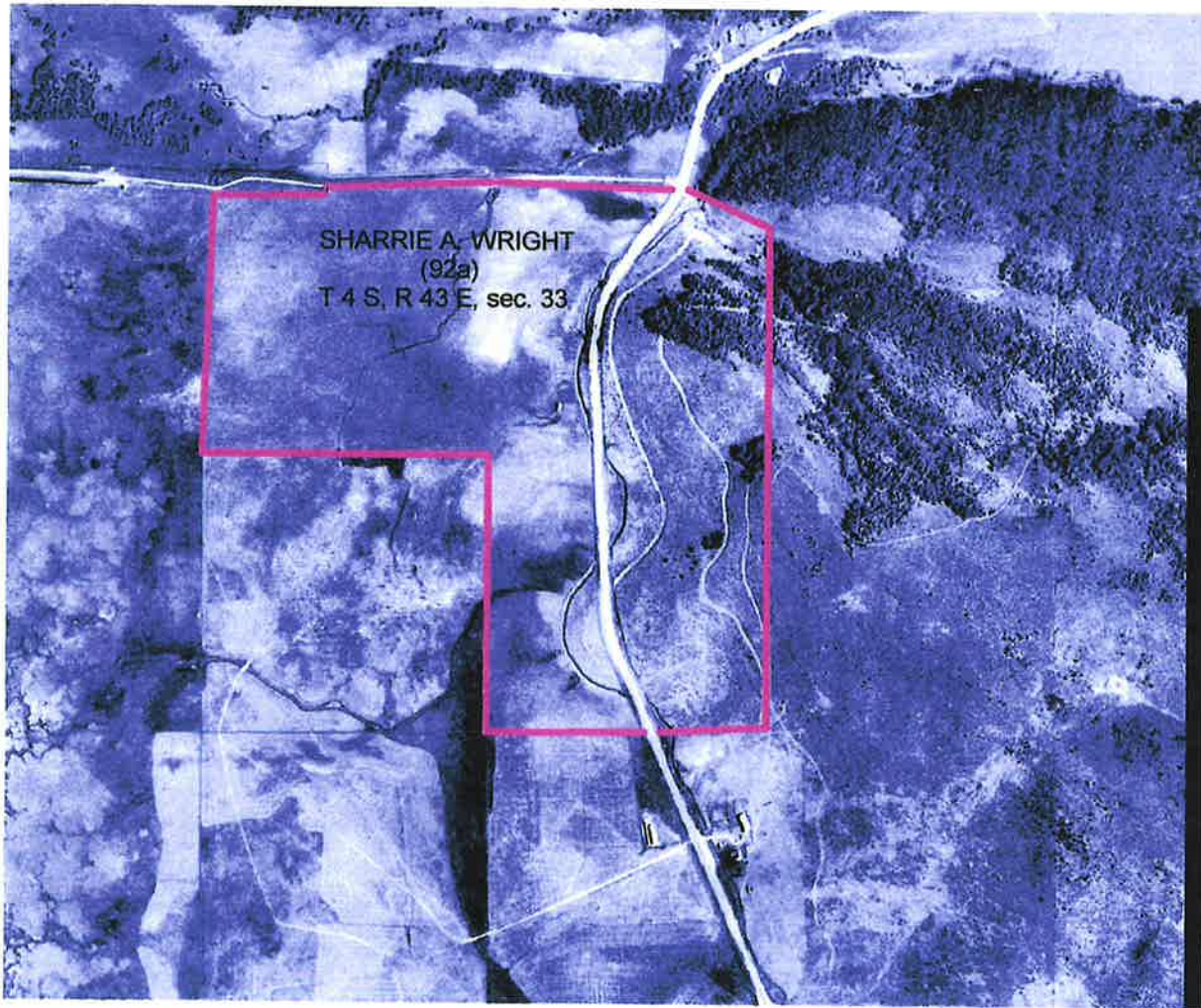
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NOV 08 2004

swse

Sharrie A. Wright Property
(92a)
Grays Lake NWR
Bonneville Co., Idaho



6 inches = 1 mile

 Fence.shp



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NOV 08 2004

Southeast Idaho Refuge Complex
4425 Burley Drive, Suite A
Chubbuck, ID 83202
Phone: (208) 237-6617
FAX: (208) 237-8213

**U.S. Fish and Wildlife
Service**

Fax

To: ERNIE CARLSEN From: Mike Fisher
Fax: IDWR - IF Fax: _____
525-7177 Date: _____
Re: Hawkins Cr. Claim Diversion Pt

Number of pages including the cover sheet 2

Sorry this took so long — this is the diversion pt
for the injection ditch that starts way back on
Forest Service. To make it more confusing, Dave has,
is, changing the name. You requested this info
for "Willow Cr & unnamed stream (aka Hawkins Cr)"
— new name is/will be ~~correctly~~ reversed)

"Hawkins Cr & unnamed ~~stream~~ Ditch (aka
Willow Cr Ditch)

From: Legal for the ditch diversion pt is

Dick Munoz [] Extension 24

Dick Sjostrom [] Extension 23

Lance Roberts [] Extension 25

Tammy Smith [] Extension 26

Wendy Hall [] Extension 22

Kathi Stopher [] Extension 27, Voice Mail Extension 28

SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 6

T. 4 S., R. 44 E.

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NOV 05 2004

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25-4005

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED

DEC 22 2004

Department of Water Resources
Eastern Region

Barbara Scott-Brier
Attorney, Office of the Solicitor
500 N.E. Multnomah, Suite 607
Portland, Oregon 97232

Re: Multiple Use Claims

Dear Barbara:

During our November meeting at the U.S. Fish and Wildlife Service's office in Chubbuck, you questioned why irrigation and/or stock water licenses or decrees that were claimed for multiple purposes (irrigation/wildlife or stockwater/wildlife) were initially recommended without the wildlife component. In speaking with David Tuthill about this matter, I have prepared the following response.

While wildlife water rights with early priority dates are rare in the SRBA, it is possible, in accordance with Idaho's accomplished transfer statute, for an irrigation or stockwater right to evolve into a wildlife right and retain the original priority date. As long as the change occurred prior to the commencement of the SRBA (November 19, 1987), Idaho Code § 42-1425, does not injure other users, *id.*, and does not constitute an enlargement, I.C. § 42-1426, an accomplished change can be recognized.

In this case, the Grays Lake Refuge was created in 1965; therefore, the accomplished change in purpose would likely have occurred prior to the SRBA's commencement. However, wildlife use at the Refuge is primarily for enhancing nesting habitat by impounding water. This is a distinct departure from the traditional practice of providing drinking water for stock by running a small quantity of water through open ditches. Therefore, by claiming an accomplished change that adds wildlife to the uses already recognized in the water right, the claim violates the accomplished transfer statute's enlargement provision.

In order to comply with the requirement that an accomplished change cannot enlarge the original right, IDWR recommended the claims to their original purpose--irrigation or stockwater. This position is consistent with previous recommendations made by IDWR in the SRBA.

There are, however, a few ways in which the USFWS could claim water for wildlife. First, because the water claimed for the Refuge is surface water with use prior to 1971, the USFWS could file separate beneficial use claims specifically for wildlife. Second, the USFWS could

amend its existing claims to claim water for wildlife only. As long as the season of use and quantity are not increased, the claims would not constitute an enlargement.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very Truly Yours,



Chris M. Bromley

cc:

David Tuthill
Ernie Carlsen
Ryan Mikesell



United States Department of the Interior

25-4005

FISH AND WILDLIFE SERVICE

911 N.E. 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:

ABA-EN-WR

RECEIVED

January 11, 2005

JAN 12 2005

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive
Idaho Falls, Idaho 83401-3653
Attn: Ernie Carlsen

Enclosed are 10 SRBA "NOTICE OF ERROR REPLY" forms with attachments to be filed on behalf of the U.S. Fish and Wildlife Service (Service) for the Grays Lake National Wildlife Refuge (Refuge). The numbers associated with the water rights are as follows:

25-13722✓	25-13732✓	25-13733✓	25-13737✓	25-04005
25-04032	25-4034B	25-04045	25-14084	25-14096

As requested, the Service has reviewed the preliminary recommendations regarding the Refuge's water right claims. The enclosed "NOTICE OF ERROR REPLY" forms indicate changes we believe should be made in the Director's Report regarding the above rights.

These are the forth and last set of several groups of preliminary recommendations we will respond to in the "NOTICE OF ERROR REPLY" phase of the Adjudication.

Claim Nos. 25-04032, 254034B, and 25-04045 are dual-source claims. Originally, these were filed with two sources listed on each claim. Per your request, we have separated these dual-source claims by preparing an error reply form to correct the original claim and a new claim to file on the alternate source.

For other claims (25-14096, 25-4034B, 25-14084, and 25-04005) we have prepared amendments. These amended claims result from a review of posted notices which support an earlier priority date.

We have enclosed drafts of the new and amended claims for your information. These filings will be submitted by the U.S. Department of Justice at a later date.



We appreciate the opportunity to respond to your recommendations. If you have questions or would like to discuss any of these responses, please feel free to contact us at (503) 231- 6251.

David J. Langman



Hydrologist

U. S. Fish and Wildlife Service

Portland, Oregon 97232-4181

Enclosures

cc:

Dick Munoz, SE Idaho NWRC

Barbara Scott-Brier, SOL - Portland

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-4005

UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 972324181
Telephone Number: (503)231-6145

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity, Priority, and Point of Diversion

2. Describe the changes you wish to make in the proposed recommendation:

Quantity: Change from "1.370 cfs" to "1.42 cfs"

Priority: Change from "04/01/1888" to "01/28/1886."

Point of Diversion: Change from "T04S R43E S23 NENE, AND NENWNE" to "T04S R43E S23 NENE and NWSWNE."

3. Give a brief explanation as to why you disagree with these portions:

Quantity: The quantities for irrigation and stock are additive; therefore, the quantity should be 1.42 cfs.

Priority: The priority should be changed to reflect the Posting Notice dated 03/03/1886. Stating Notice was posted 02/28/1886.

Point of Diversion: The points of diversion in "T04S R43E S23 NWSWNE" was verified with a GPS unit as the control structure off of the main channel on to the place of use.

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1/10/2005

SIGNATURE: David J. Longman, Agent for USFWS

Please print your name: David J. Longman

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
JAN 12 2005
Department of Water Resources
Eastern Region

4005

= photo of diversion

#430.

—

possible enlargement for land south of
beach house.

13-782 500 SHEETS FILLER 5 SQUARE
42-381 50 SHEETS EYE-GLASS
42-382 100 SHEETS EYE-GLASS
42-383 200 SHEETS EYE-GLASS
42-384 100 SHEETS EYE-GLASS
42-385 100 RECYCLED WHITE
42-386 200 RECYCLED WHITE
42-387 200 RECYCLED WHITE
42-388 200 RECYCLED WHITE
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42-397 200 RECYCLED WHITE
42-398 200 RECYCLED WHITE
42-399 200 RECYCLED WHITE
42-400 200 RECYCLED WHITE

Made in U.S.A.



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A25-04005				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Sharrie A. Wright
3938 Hwy 34, Wayan, ID 83285
4. New Owner/Claimant(s) U.S. Fish & Wildlife Service
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 911 NE 11th Ave
- City, State and ZIP Code Portland, OR 97232-4181
- New Telephone Number () 503-231-6251
5. Date you acquired the property 12/3/2001

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A25-04005</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<u>Irrigation</u>	<u>10.0 cfs</u>	<u>85 acres</u>
<u>Stock</u>	<u>0.05 cfs</u>	<u>125 head</u>
Domestic		
Other		
Total	<u>10.05 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Michael E. Gable, Michael GABLE
(include title if applicable) Acting Regional Engineer, U.S. Fish & Wildlife Service
8/30/2002

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

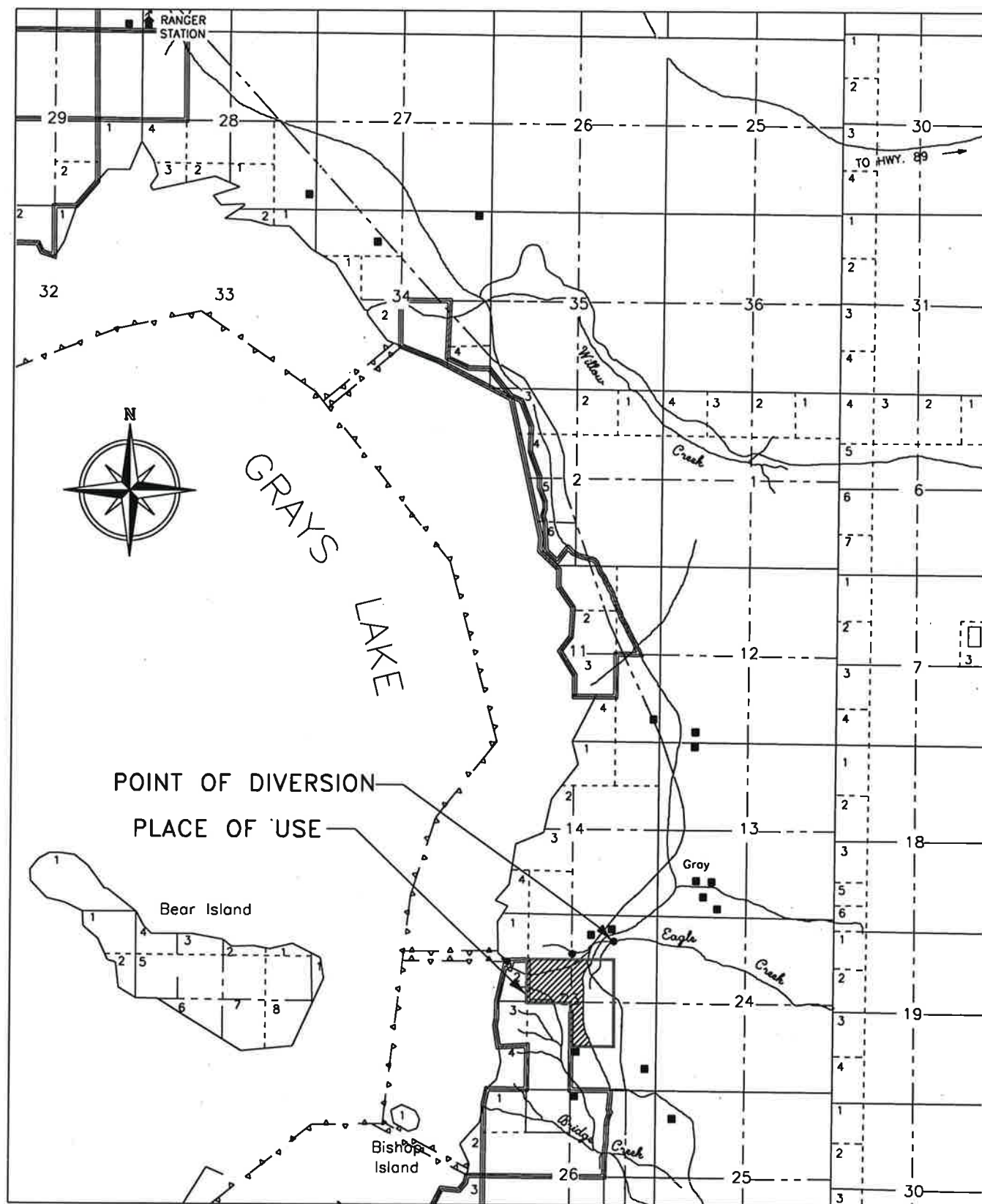
Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

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NOV 08 2004

R43E

R44E

T
3
ST
3
ST
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S

CLAIM NUMBER A25-4005

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NOV 08 2004

1064357 DEC 3 '01 PM 4 30

WARRANTY DEED

The Grantor, Sharrie A. Wright, for and in consideration of the sum of One Hundred Sixty-Four Thousand and 00/100 Dollars (\$164,000.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, all the real property with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Bonneville, State of Idaho, to-wit:

A parcel of land described as being the Northwest quarter of the Southeast quarter and the Southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter in Section 23, Township 4 South, Range 43 East of the Boise Meridian, Bonneville County, Idaho.

Subject to an underground water pipeline and spring development for the domestic water use of Raymond Ostler and an underground water pipeline for the domestic water use of Eugene Olsen in the E1/2SE1/4NE1/4 and the E1/2NW1/4SE1/4 of Section 23, Township 4 South, Range 43 East, Boise Meridian, Bonneville County, Idaho.

The land is conveyed subject to existing easements for public roads, pipelines, and public utilities.

TO HAVE AND TO HOLD the above described premises to the UNITED STATES OF AMERICA and its assigns, forever.

This land is being acquired by the Department of the Interior, United States Fish and Wildlife Service.

The Grantor hereby covenants to and with the UNITED STATES OF AMERICA and its assigns, that Grantor is lawfully seized in fee simple of the above-granted real property, have a good and lawful right and power to sell and convey the same, that the same is free and clear of all encumbrances, except as shown above, and that Grantor will warrant and forever defend the title thereto and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 03 day of December, 2001.

Sharrie A. Wright

Sharrie A. Wright

INSTRUMENT NO. 1064357
DATE 12-03-01
INST. CODE 203
IMAGED PGS 2
FEE 6.00

STATE OF IDAHO }
COUNTY OF BONNEVILLE } ss

I, the undersigned, being the within

Recorder of said County,

do hereby certify that

By h. d. Blag Request of FATCO

LA-IDAHO

Grays Lake NWR

Sharrie A. Wright (92)

1064357
FIRST AMERICAN TITLE CO.
BONNEVILLE, IDAHO

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NOV 08 2004

ACKNOWLEDGMENT

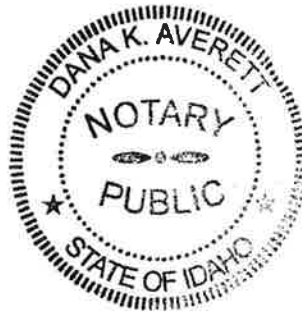
STATE OF Idaho
County of Bonneville ss

On Dec. 3, 2001, before me, the undersigned, a Notary Public, in and for said State, personally appeared Sharrie A. Wright, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

Dana K. Averett
(Signature)

Notary Public for the State of Idaho
Residing at: Blackfoot
Commission expires 9/23/05



For Value Received **Luella H. Muir, an unmarried person**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Sharrie A. Wright, a married person as her sole and separate propertywhose address is: **3938 Hwy 34, Wayan, ID 83285**Hereinafter called the Grantee, the following described premises situated in **Bonneville County, Idaho**, to-wit:**NW 1/4 of the SE 1/4, SE 1/4 of the NW 1/4, and SW 1/4 of the NE 1/4, Section 23, Township 4 South, Range 43, East of the Boise Meridian, Bonneville County, Idaho**

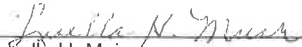
Together with all and singular the water rights franchises and privileges belonging to or appertaining to said lands heretofore used whereon for the purposes of irrigation; and domestic and stock purposes and all ditches, dams, and all other works used in the appropriation and diversion of water to and upon said lands and particularly that certain right to the diversion and use of the waters of Eagle Creek in said Bonneville County, Idaho heretofore diverted and used upon said lands for irrigation and domestic purposes.

Subject to all easements, rights of way, and public roads or highways adjoining or crossing said property.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

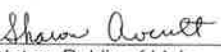
Dated: December 3, 2001


Luella H. Muir

STATE OF IDAHO)

COUNTY OF Caribou) ss.

On this 4th day of December, in the year of 2001, before me the undersigned, personally appeared Luella H. Muir, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public of Idaho
Residing at: Soda Springs, ID
Commission Expires: 1-10-2006SHARON AVERETT
Notary Public
State of IdahoFIRST AMERICAN TITLE
P. C. BOX 2000
BOISE, IDAHO 83720SCANNED
NOV 08 2004

QUITCLAIM DEED

For Value Received **Todd Stoddard and Sharrie A. Wright, husband and wife**

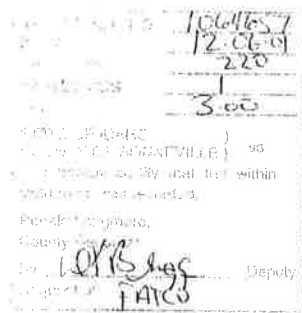
do hereby convey, release, remise and forever quit claim unto

United States of America

whose address is: **c/o U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue,
Portland, OR 97232**

Hereinafter called the Grantee, the following described premises situated in **Bonneville County,**
Idaho, to-wit:

**Lots Two (2) and Three (3), Section Twenty-Three (23); Township Four (4) South,
Range Forty-Three (43) East, Boise Meridian.**



together with their appurtenances.

Dated: December 3, 2001

Todd Stoddard
Todd Stoddard
Sharrie A. Wright
Sharrie A. Wright

STATE OF Idaho)

)ss.

COUNTY OF Bonneville)

On this 3rd day of December, in the year of 2001 before me Dana K. Averett, personally appeared Todd Stoddard and Sharrie A. Wright, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Dana K. Averett
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 09/23/05



JE49502
FIRST AMERICAN
P.O. Box 38442
Boise, ID 83721

SCANNED

NOV 08 2004

QUITCLAIM DEED

1064358
BONNEVILLE COUNTY RECORDER
1064358 DEC 3 '01 PM 4 30

For Value Received **TODD STODDARD**

do hereby convey, release, remise and forever quit claim unto

UNITED STATES OF AMERICA

whose address is: **c/o U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue,
Portland, OR 97232**

Hereinafter called the Grantee, the following described premises situated in **Bonneville County,**
Idaho, to-wit:

**NW 1/4 of the SE 1/4, SE 1/4 of the NW 1/4, and SW 1/4 of the NE 1/4, Section 23,
Township 4 South, Range 43, East of the Boise Meridian, Bonneville County,
Idaho**

INSTRUMENT NO.	1064358
DATE	12-03-01
FILE CODE	228
IMAGED PGS	1
FEE	3.00
STATE OF IDAHO	
COUNTY OF BONNEVILLE	
RECORDED	
INDEXED	
FILED	
L.B. Bagg TALCO	

together with their appurtenances.

Dated: December 3, 2001

Todd Stoddard
Todd Stoddard

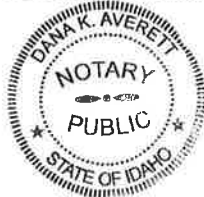
STATE OF Idaho)

)ss.

COUNTY OF Bonneville)

On this 3rd day of December, in the year of 2001 before me Dana K. Averett, personally appeared
Todd Stoddard, known or identified to me (or proved to me on the oath of), to be the person(s)
whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the
same.

Dana K. Averett
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 09/23/05



SCANNED

TF99562 NOV 08 2004
FIRST AMERICAN TITLE
P.O. Box 3430
Boise, Idaho 83722

SCANNED

JUL 27 2001

Log for claim 25-04005

Spatial Dynamics CAT

11/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04s43e	23	SWNE	25	18	
04s43e	23	SENE	40	41	
04s43e	23	NWSE	20	18	
Totals:			85	77	

AJ5809NP
No. A25-04005

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 32

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHARRIE A WRIGHT 3938 HWY 34 WAYAN ID 83285 (208) 574-2170	01/11/1888	IRRIGATION STOCKWATER	05-15 10-31 01-01 12-31	10.000 CFS 0.050 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					10.000 CFS	212.50 AFA

Water Source: EAGLE CREEK

Tributary to: GRAYS LAKE

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T04S R43E S23

SEWNNE

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
04S	43E	23	:			25		:			40		:					:			20		:	85.0
TOTAL ACRES																							85.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BONNEVILLE

Non-Irrigation Uses: S/125 HEAD.

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-04034A A25-04261

Remarks: GEN LOTS 2 AND 3 SOLD TO FISH AND WILDLIFE SERVICE.

*

CHANGE OF OWNERSHIP. FATHER (EWART MUIR) PAST AWAY. MRS. MUIR
WANTED SON'S (EWART G MUIR) NAME ON WATER RIGHTS 5/22/94 SC

CHANGE IN OWNERSHIP 7/19/95/JT/PM

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 09/25/89 VERNER 05/11/94 COX 03/29/95 POST-STD 07/19/95 JTHOMPSO

b. Do you get water through a ditch owned by ^{TWO} several users? YES If yes, give the name of the ditch
DITCH HAS NO NAME The other users and their respective
interests in the ditch are (if known) RAYMOND OSTLER - 1/2 INTEREST

6. Where water is used for stock watering, give number of each kind of stock watered
125 CATTLE

7. Where water is used for domestic or municipal purposes give number of families served
name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
SEC 23 TWP 4S RANGE 43E
2ND POINT OF DIVERSION IS IN NE 1/4 OF NW 1/4 LOCATED ON EAGLE CREEK
DIVERSION DAM COMPOSED OF ROCK, POSTS AND PLANK - LENGTH 12 FEET
HEIGHT 2 FEET - WIDTH AT BOTTOM 2 FEET - WIDTH AT TOP 2 FEET
LENGTH OF DITCH TO PLACE OF USE 450 FEET - WIDTH OF DITCH AT
TOP - 10 FEET - WIDTH OF DITCH AT BOTTOM 3 FEET - DEPTH OF WATER 1 FOOT

- DOCUMENTS FILED WITH THIS CLAIM. (A) AFFIDAVIT BY HAZEN L. MUIR
1 - DESCRIPTION OF U.S. PATENT GRANTED TO SAMUEL A. SIBBETT
DESCRIBING HIS HOMESTEAD BY SEC. TWP. & RANGE.
2 - CERTIFIED COPY OF WATER LOCATION FILED BY SAMUEL A. SIBBETT
RECORDED FEB. 29, 1889 NOTARIZED JAN. 11, 1889 RECORDED IN
WATER LOCATION BOOK B PAGE 136 RECORDS OF BINGHAM COUNTY
3 - COPY OF DEED FROM GRANT L. BARNEY TO GEORGE H. MUIR CONVEYING
PROPERTY AND WATER RIGHT REFERRED TO IN THIS CLAIM. RECORDED IN
State of Idaho } RECORD OF DEEDS BOOK 2 PAGE 340. RECORDS OF BONNEVILLE CO.
County of Caribou } ss. 4 - COPY OF DEED FROM GEORGE H. MUIR TO HAZEN L. MUIR
RECORDED OCT. 13, 1939 IN BOOK 40 OF DEEDS PAGE 78.
BONNEVILLE CO.

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.

Hazen L. Muir
Claimant
Sworn to before me this 14th day of September, 1970.
Leonard O. Kingsford
Notary Public
Residing at Soda Springs, Idaho.

My commission expires August 14, 1973.

Received by		Date	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by		Date			
Fee received by		Date	Fee \$		
Approved for publication by					
Published in		Dates			

Post Register

Identification No. _____

Claim No. 25-4005

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Hazen L. Muir

post office address 132 No. SUNSET PLACE, MONROVIA, CALIF 91016

2. ^{1st} The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 23 Township 4 S

Range 43 E B.M. located on Eagle Creek
(name of source)

tributary to GRAYS LAKE in BONNEVILLE County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

JAN. 11, 1888 amount: 500 INCHES c.f.s. or _____ acre-feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use IRRIGATION period of use from MAY 15 to OCT. 31 (both dates inclusive)

use STOCK WATERING period of use from JAN. 1 to DEC. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of EARTH,

POSTS and PLANK; length is 14 feet; height is 2 feet;

width at bottom is 2 feet; width at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____

feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

25 4005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

JULY 19, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHARRIE A WRIGHT
3938 HWY 34
WAYAN ID 83285

RE: CHANGE IN OWNERSHIP FOR A25-04005

Dear Ms. Wright:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED

NOV 11 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: _____

- No - R - Record

A25-04005

[] Name and Address of Former
Owner/Claimant(s)(Seller): _____

LUELLA MUIR (Husband deceased)

116 GRAYS LAKE RD

WAYAN ID 83285

[] New Owner/Claimant
(Purchaser): _____

SHARRIE A. WRIGHT

[] New Mailing Address: _____

3938 Hwy 34

WAYAN ID 83285

[] New Telephone Number: _____

() 574-2170

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner.

The change in ownership was approved
by Paul since he is OD today.

[] Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s): _____

Sharrise A. Wright

Date 7-19-95

Date _____

[] Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 01 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MAY 13, 1994

EWART G MUIR
55 EAGLE CREEK RD
WAYAN ID 83285

RE: CHANGE OF OWNERSHIP FOR A25-02075, A25-02039, A25-04005

Dear Mr. Muir:

The request for Change of Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is the typed Notice(s) with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notice for your records.

Respectfully submitted,

Sharla Cox
Adjudication Secretary

MICROFILMED
NOV 07 1990

MAY 13, 1994

LUELLA MUIR
116 GRAYS LAKE RD
WAYAN ID 83285

RE: CHANGE OF OWNERSHIP FOR A25-02075, A25-02039, A25-04005

Dear Ms. Muir:

The request for Change of Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is the typed Notice(s) with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notice for your records.

Respectfully submitted,

Sharla Cox
Adjudication Secretary

MICROFILMED
NOV 01 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) 02075
Assigned by IDWR: A25-~~1227~~, A25-02039, A25-04005

☐ Name and Address of Former Owner/Claimant(s)(Seller): Ewart or Luella Muir
116 Grays Lake Rd
Wayan, ID 83285

☐ New Owner/Claimant (Purchaser): Luella Muir | Ewart G. Muir

☐ New Mailing Address: 116 Grays Lake Rd | 55 Eagle Creek Rd
Wayan, ID 83285 | Wayan, ID 83285
208-574-2475 | 208-574-2233

☐ New Telephone Number: () _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Luella Muir Date 5-11-94
Ewart G. Muir Date 5-11-94

☒ Signature of Former Owner/Claimant(s): Luella Muir Date 5-11-94
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

PROFILE

MICROFILMED

Nov 8 / 1990

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Identification No. 25 4005

Claim No. 25 4005

Map No. 25 4005

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Hazen L. Mui
post office address 139 NO. SUNSET PLACE, MONROVIA, CALIF. 91016

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 23 Township 4 S
Range 43 E B.M. located on Eagle Creek
(name of source)

tributary to GRAYS LAKE in BONNEVILLE County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: JAN. 11, 1888 amount 500 INCHES c.f.s. or acre feet
amount: c.f.s. or acre feet
amount: c.f.s. or acre feet
Total claimed: c.f.s. or acre feet

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use IRRIGATION period of use from MAY 15 to OCT. 31 (both dates inclusive)
use STOCK WATERING period of use from JAN 1 to DEC. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of EARTH
POSTS and PLANK length is 114 feet, height is 2 feet
width at bottom is 2 feet, width at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known

b. Underground water diverting works: is well flowing or pumped _____ depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____

25 4005

Send TAX Notices to
SHARRIE WRIGHT
3938 Hwy 34
WAYAN, ID.
83285

REAL ESTATE SALE CONTRACT

THIS AGREEMENT, Made this 6 day of July in the year A. D., 1995

by and between Luella Muir of the County of Bonneville, State of Idaho, hereinafter called Seller and Sharrie A. Wright of the County of Caribou, State of Idaho hereinafter called Buyer;

WITNESSETH: Seller agrees to sell to the Buyer, on the performance of the agreements of the Buyer as hereinafter mentioned and convey, or cause to be conveyed by the legal owner or owners thereof, by good and sufficient Warranty Deed, free of liens and incumbrances, excepting those of record, and any that may have attached by reason of any act or deed of Buyer, and excepting any lien to which this agreement is expressly made subject, the following described real estate situated in the county of Bonneville and State of Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); Lots Two (2) and Three (3), Section Twenty-Three (23), Township Four (4) South, Range Forty-Three (43) East, Boise Meridian. Together with all and singular the water rights franchises and privileges belonging to or appertaining to said lands heretofore used whereon for the purposes of irrigation and domestic and stock purposes and all ditches dams, and all other works used in the appropriation and diversion of water to and upon said lands and particularly that certain right to the diversion and use of the waters of Eagle Creek in said Bonneville County, Idaho, heretofore diverted and used upon said lands for irrigation and domestic purposes. Subject to all easements, rights of way, and public roads or highways adjoining or crossing said property.

Buyer agrees to buy said described premises and pay Seller therefor, the sum of

SEVENTY THOUSAND AND NO/100 DOLLARS, payable in lawful money of the United States, and in manner as follows, to-wit: (\$ 370000) on delivery of this contract, the receipt whereof is hereby acknowledged, and the balance of

THIRTY THREE THOUSAND Dollars in Yearly installments, with interest thereon from October 1, 1996 at the rate of Seven per cent per annum, payable and as follows, to-wit:

3,623.22 including interest, the first such payment shall be due and payable on or before October 1, 1996, and succeeding payments shall be paid on or before the 1st day of October of each succeeding year thereafter for 15 years due October 1, 2011.

1. Time and the punctuality of payment are of the essence and a material part of this contract, and in the event of a failure to comply with the terms hereof by Buyer, the Seller shall be released from all obligations in law or in equity to convey said property. In the event the Buyer shall fail to comply with the terms and conditions of this contract, the Seller shall give notice thereof to the Buyer of such default, by certified mail to Buyer advising Buyer in what respects he has failed to comply with the terms and conditions of this agreement. In the event the Buyer fails to comply with the terms of this agreement so specified within 30 days after receipt of such notice by certified mail from Seller, then and in that event all payments previously made under the terms and conditions of this contract by Buyer shall be considered as rentals and damages and retained by Seller, to the extent permitted by law, and Seller may take immediate possession of said property and shall resume full title, ownership and control of said premises. It is further understood and agreed that in the event the Buyer fails to comply with the terms hereof within 30 days after receipt of such notice, as herein provided then and in such event, the Seller may at his election declare the entire remaining unpaid balance of this contract due and payable forthwith, and recover said balance from Buyer, if necessary by legal proceedings. This remedy shall be considered an optional remedy and not as a waiver of any right or remedy that the Seller would otherwise have at law or in equity to enforce the performance of this agreement, or to recover damages for breach thereof.

2. It is expressly agreed that if Buyer shall promptly make the payments herein stipulated and shall pay all accrued interest as the same becomes due, and shall also pay all taxes and assessments levied and assessed against said property, the Seller, on receiving the sums due under the terms of this contract, will execute and deliver, or cause to be executed and delivered by the legal owner or owners thereof to the Buyer, or his assigns, a Warranty Deed conveying the above described property and will also deliver a policy of title insurance, insuring Buyer in the full purchase price thereof, in accordance with this agreement, to be procured by the Seller at his expense, which policy shall be delivered to the Buyer on recordation of a warranty deed conveying said property to Buyer.

WARRANTY DEED

THIS INDENTURE, made this 6th day of July, 19 95,
between Luella Muir
116 Grays Lake Road, Wyan, Idaho 83285
of Wyan County of Bonneville State of Idaho
the party of the first part and Sharrie A. Wright
3938 Hwy 34, Wyan, Idaho 83285
of Wyan County of Caribou State of Idaho
the party of the second part,

WITNESSETH, that said party of the first part, for and in consideration of the sum of \$70,000.00
Seventy Thousand and No/100-----Dollars

lawful money of the United States of America said
to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said
party of the second part, and to party of the second part's heirs and assigns, forever, all of the following described
real estate situated in Gray Lake Road, County of Bonneville

State of Idaho, to-wit:
The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); Southwest Quarter of the
Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); Lots
Two (2) and Three (3), Section Twenty-Three (23); Township Four (4) South, Range
Forty-Three (43) East, Boise Meridian.
Together with all and singular the water rights franchises and privileges be-
longing to or appertaining to said lands heretofore used whereon for the purposes
of irrigation; and domestic and stock purposes and all ditches, dams, and all other
works used in the appropriation and diversion of water to and upon said lands
and particularly that certain right to the diversion and use of the waters of Eagle
Creek in said Bonneville County, Idaho heretofore diverted and used upon said lands
for irrigation and domestic purposes.
Subject to all easements, rights of way, and public roads or highways adjoining or
crossing said property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging
or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof;
and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the
first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the
appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the
said party of the first part, and said party of the first part's heirs shall and will warrant and by these presents
forever defend the said premises in the quiet and peaceable possession of the said party of the second part, and party
of the second part's heirs and assigns, against the said party of the first part, and party of the first part's heirs, and
against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.
IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

Luella Muir

STATE OF IDAHO,

ss.

County of Bonneville

On this 10th day of July in the year 19 95, before me
Marshall K. Gellings a Notary Public in and for said State, personally appeared

Luella Muir

known to me to be the person whose name is subscribed to the within
instrument, and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.



Marshall K. Gellings
Notary Public for the State of Idaho.

Residing at Idaho Falls, Idaho.

Commission Expires 11-27-98

INDEX

Right Number 25-4005

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Fisher
Langman
Stoor**

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Right Number 25-4005

Attachment A: Tract 92 Warranty Deed

Tract 92
Previous Owner: Wright
Claim Number 4005
Eagle Creek

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

1064357

BONNEVILLE COUNTY RECORDER

1064357 DEC 3 '01 PM 4 30

WARRANTY DEED

The Grantor, Sharrie A. Wright, for and in consideration of the sum of One Hundred Sixty-Four Thousand and 00/100 Dollars (\$164,000.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, all the real property with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Bonneville, State of Idaho, to-wit:

A parcel of land described as being the Northwest quarter of the Southeast quarter and the Southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter in Section 23, Township 4 South, Range 43 East of the Boise Meridian, Bonneville County, Idaho.

Subject to an underground water pipeline and spring development for the domestic water use of Raymond Ostler and an underground water pipeline for the domestic water use of Eugene Olsen in the E1/2SE1/4NE1/4 and the E1/2NW1/4SE1/4 of Section 23, Township 4 South, Range 43 East, Boise Meridian, Bonneville County, Idaho.

The land is conveyed subject to existing easements for public roads, pipelines, and public utilities.

TO HAVE AND TO HOLD the above described premises to the UNITED STATES OF AMERICA and its assigns, forever.

This land is being acquired by the Department of the Interior, United States Fish and Wildlife Service.

The Grantor hereby covenants to and with the UNITED STATES OF AMERICA and its assigns, that Grantor is lawfully seized in fee simple of the above-granted real property, have a good and lawful right and power to sell and convey the same, that the same is free and clear of all encumbrances, except as shown above, and that Grantor will warrant and forever defend the title thereto and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 03 day of December, 2001.

INSTRUMENT NO.	1064357
DATE	12-03-01
INST. CODE	203
IMAGED PGS	2
FEE	6.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) as	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<u>[Signature]</u> Depu
Request of	FALCO

Sharrie A. Wright

LA-IDAHO

Grays Lake NWR

Sharrie A. Wright (92)

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FIRST AMERICAN TITLE CO.

ACKNOWLEDGMENT

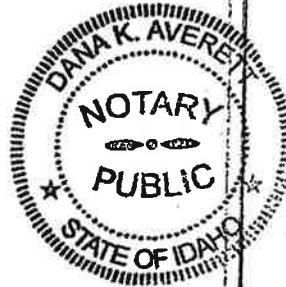
STATE OF Idaho
County of Bonneville ss

On Dec. 3, 2001, before me, the undersigned, a Notary Public, in and for said State, personally appeared Sharrie A. Wright, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

Dana K. Averett
(Signature)

Notary Public for the State of Idaho
residing at: Blackfoot
commission expires: 9/23/05



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Department of Water Resources
Eastern Region

LA-IDAHO

Grays Lake NWR

Sharrie A. Wright (92)

Right Number 25-4005

Attachment B: Notice of Water Location

WATER LOCATION

Notice of Water Location

January 28th 1886

James Sibbett

Notice is hereby given that the undersigned have this day claimed & appropriated and do hereby claim and appropriate five hundred inches of water measured under a four inch pressure or so much thereof as there may be in the waters of Eagle Creek remaining unclaimed.

Said water is to be diverted from said creek by placing a dam across the creek at a point about one mile in a North easterly direction from the house now owned and occupied by the undersigned James Sibbett.

The water is to be used for domestic and Agricultural purposes on the land now settled on and claimed by the undersigned James Sibbett.

The water is to be conducted to said land by means of a ditch four foot wide and one foot deep with a fall equal to the natural fall of the land.
Territory of Idaho } ss James Sibbett.
County of Brigham

James Sibbett first being duly sworn deposes and says that he posted a full true and correct copy of the foregoing Notice in a conspicuous place at the place stated therein as the point of diversion on the 28th day of February A.D. 1886.

Subscribed and sworn to before me this 3d day March A.D. 1886.

Wm. Webster

Justice of the Peace.

Recorded March 5th 1886

at 11 o'clock am.

J. McElifford

Co. Recorder

by Frank H. Bixby

Notary.

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JAN 12 2005

Department of Water Resources
Eastern Region

WATER LOCATION

James Roberts

Notice of Water Location

I the undersigned having had the undisputed possession of and used the water in this stream known as Bridge Creek for 5 years on the 6 day of June passed do now locate and claim said water to the extent of 500 five hundred acres for agricultural purposes to be conveyed as heretofore in a ditch from this point to my Homestead situated about 6 miles down John Gray Lake and 1 mile south of Eagle Creek adjoining the foot hills on the East and running thence west into the Lake Bottom

Dated this 11 day of January 1888

Signed James Roberts Locator

Territory of Idaho }
County of Bingham }

I the undersigned do solemnly swear that I have for near 6 years been acquainted with the water course known as Bridge Creek described in the accompanying water location that the same has not heretofore been located or used for any purpose whatever by any person but myself

Signed James Roberts
Subscribed and sworn to before me this 11 day of January 1888



Joseph H. Hawkins
Notary Public

Recorded as the request of
Hawkins 2/27/88 at 3:20 pm
Geo A. Robertson
Recorder

WATER LOCATION RECORD.

WATER LOCATION

Pay

Samuel A. Abbott

Notice of Water Right

I the undersigned do locate and claim 500 Five Hundred inches of water running in this Eagle Creek for Agricultural purposes to be conveyed from this point about a 1/4 of a mile below James Abbotts water location to my homestead situated about 6 1/2 miles down John Stage Lake and near Eagle Creek joining James Abbotts Homestead on the South the foot hills on the East and running west into the lake bottom

Dated this 11 day of January 1888

Signed Samuel A. Abbott Locator

Territory of Idaho }
County of Bingham }

MADE COPY FOR 13722

I the undersigned do solemnly swear that I am acquainted with the water course known as Eagle Creek described in the accompanying water location that said water is the surplus water of James Abbotts location on said creek and has not heretofore been located or used for any purpose whatever

Signed Samuel A. Abbott

Subscribed and sworn to before me this 11 day of January 1888



Joseph Hawkins
Notary Public

Recorded at the request of
J. Hawkins 7/17/88 at 3:30 pm
Gold Rusher
Recorder

Homestead Map
Located at Bonneville County Recorder's Office

1.00
 2.00
 4.00
 8.00
 16.00
 32.00
 64.00
 128.00
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Right Number 25-4005

Attachment C:

Affidavits of: Ostler
Fisher
Langman
Stoor

RAY OSTLER
226 GRAYS LAKE ROAD
WAYAN, ID 83285

November 5, 2004

Idaho Department of Water Resources
SRBA Eastern Region Unit
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1714
Attn: Ernie Carlsen

Dear Mr. Carlsen:

I have lived and ranched cattle in the Grays Lake Basin, Wayan, Idaho, since the Spring of 1961. Prior to the refuge acquiring lands up here in 1965, I owned approximately 130 acres of property just west of Bridge Creek Lane and approximately 120 acres west of Grays Lake Road; just across from my residence. During my time as a landowner at Grays Lake, I relied on the waters from Bridge Creek to provide stockwater and irrigation for both parcels of my property. I used Bridge Creek waters almost annually to irrigate pastures (the "South" and "Middle 40" pastures) and provide stockwater for 10 to 12 years; prior to selling these lands to the bird refuge (U.S. Fish & Wildlife Service) in about 1986. Around the mid-1960's, I had surveys done and constructed a ditch in the "South 40" and "Middle 40" pasture to facilitate increased water flows to that area. In addition, waters from the south Eagle Creek Channel were also used to irrigate the "North 40" pasture and an adjacent neighboring Stoddard property to the north. The Stoddard (or Ewart) Field was flood irrigated almost every year to provide water for crops, livestock and wildlife.

In addition to the property across from my residence, Eagle Creek waters were used to irrigate and the Bridge Creek Channel was also used on my southern parcels located off Bridge Creek Lane. Property neighboring the Bridge Creek Lane parcel (at that time owned by the Tingy family) was hayed almost annually and was flood irrigated during the Spring and early-Summer. The Bridge Creek channel, on these parcels, was used as a main source for providing water to livestock and wetlands, as well as early irrigation water for the Tingy property. As far back as I can remember, the Fulton Creek and Bridge Creek Channels never merge naturally, and the north diversion of the Bridge Creek Channel existed prior to us purchasing property up here. Today, there is a minor diversion off the Fulton Creek which flows into a diversion on the Muir property, and the Bridge Creek waters now flow to supplement the Fulton Creek waters across the Tingy property. Both creek channels provided an important source of water for my northern and southern properties.

In 1972, my wife and I purchased additional property and house in Thatcher, Idaho, but continued grazing our cattle up in the Grays Lake Basin every Spring through Fall from 1961 to present. About 1972 is when I sold 130 acres of property west of Bridge Creek Lane to the bird refuge.

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

During the time that I owned it, and since the bird refuge took it over, waters from Bridge Creek were used to irrigate and provide stockwater and Eagle Creek was used to provide water when Bridge Creek was dry.

Ray Ostler



I, Michael N. Fisher, being first duly sworn, depose and testify as follows:

My name is Michael N. Fisher and I have been employed by the U.S. Fish and Wildlife Service (USFWS or Service) since 1986. I am currently employed as a Supervisory Wildlife Biologist at the Southeast Idaho National Wildlife Refuge Complex in Chubbuck, Idaho. I have been in this position since November, 2003. Previous to this position, from December, 1989 to November, 2003, I was the Refuge Manager at the Grays Lake National Wildlife Refuge (Refuge), near Wayan, Idaho.

In my role as Refuge Manager, I was responsible for administering and managing the daily operations of the Refuge. Besides routine Refuge administrative duties, a large portion of my time was spent managing important Refuge wildlife and habitat resources, including expansive wet meadows and uplands adjacent to the 22,000 acre lake bed. My duties included managing critical habitat management programs, such as: habitat enhancement, habitat restoration and water manipulation; burning; weed spraying; wildlife surveys; irrigation of agricultural lands and wetlands; and conducting farming, haying and grazing activities. Critical irrigation duties included ensuring that wet meadows were properly irrigated for use by wildlife during the critical breeding, nesting and migration seasons to produce cover/forage for wildlife and stock use: for filling shallow wetland ponds and sloughs for wildlife and stock use;; irrigation of grain/alfalfa fields, grown for wildlife; and irrigation of Refuge hay meadows. Besides providing forage for permittees' livestock and for growing crops of hay, the flood irrigation methods used at the Refuge by me and my Refuge staff created valuable habitats such as wet meadows, dense grass stands and grain crops for nesting, foraging and migrating greater sandhill cranes, ducks, geese, trumpeter swans, shorebirds (i.e. willet, avocet, curlew), marshbirds (i.e. herons, egrets, white-faced ibis) and a wide assortment of other wildlife species dependant on these types of wetland habitats (meadows, grain fields, ponds, shallow sloughs).

I have personal knowledge and 14 years of field experience in diverting, and allowing Refuge permittees to beneficially divert, water for irrigation and wildlife purposes onto Refuge lands covered under SRBA claims A25-00229A, A25-02161, A25-04032, A25-04034B, A25-04045, A25-13722, A25-14084, A25-14096 and the new Bridge Creek, Eagle Creek, and unnamed stream (locally known as Hawkins Creek) claims. I personally irrigated Refuge meadows and fields, using diversion structures, canvas dams, irrigation ditches and irrigation laterals. In addition, ponds and sloughs were manipulated by me for stock and wildlife use. The Refuge staff and I have documented and quantified this use by using staff gauges, water flow meters, fixed flumes, portable flumes, water brooms and water volume measurement methods. Specifically, water was diverted for irrigation, stock and wildlife purposes as indicated below:



1) CLAIM: A25-00229A

SOURCE: Herman Creek (also known as Meyers Creek)

PLACE OF USE: T.3 S., R.43 E., Sec. 28, NWNW, SWNW, and Sec. 29, NENE, SENE, Bonneville Co., B.M

POINT OF DIVERSION: T.3 S., R.43 E., Sec. 28, NWNW, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: As shown by the enclosed title documents, the Service acquired the land associated with this claim in 1976. After acquisition of the property, the Refuge Manager was often annually involved in attempts to coordinate water use on the property with neighbors. In 1992, I attempted to divert water in old ditches to the Place of Use, but flows were too low. Refuge staff replaced headgates and cleaned ditches in fall of 1992. Since 1993, the Refuge staff have irrigated the Place of Use (the Rich Tract, which consists of the west grain field, the northwest meadow and the northeast meadow) annually. Waters from Herman Creek are used to irrigate the west grain field, the meadows and to provide stock water along the main Herman Creek channel within the Rich Tract. A series of irrigation ditches and canvas dams are used to distribute Herman Creek flows to the Place of Use described above. The Refuge has measured irrigation water flows on the Refuge through instantaneous flow measurements, flumes and by other methods since 1995. To the best of my knowledge, the Service manages irrigation of the Rich Tract similar to the previous owners.

2) CLAIM: A25-02161

SOURCE: A well near Headquarters

PLACE OF USE: T.4 S., R.43 E., Sec. 35, SENE, Bonneville Co., B.M.

POINT OF DIVERSION: T.4 S., R.43 E., Sec. 35, SENE, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: As shown by the enclosed documents, the Service acquired the lands associated with this claim in 1969 and this replacement well was drilled in 1976. Previously, there was a well at this site that could no longer be used for domestic uses. Since 1976, the Refuge has used the well to: supply water to a residence headquarters office, shop, bunkhouse, guard station, three hydrants and three recreational vehicle/travel trailer pads; irrigate the lawn surrounding the office area; and provide water for livestock and wildlife. During my 14-year tenure as Refuge Manager of Grays Lake NWR, I supervised the application of, or personally applied, the well water to these uses.

3) CLAIM: A25-04032 and new claim to Eagle Creek

PAGE 2 OF 7: Affidavit of Michael N. Fisher

SOURCE: Bridge Creek (A25-04032) and Eagle Creek (new claim)

PLACE OF USE: T.4 S., R.43 E., Sec. 26, NENW, Bonneville Co., B.M

POINT OF DIVERSION:

A25-04032: T.4 S., R.43 E., Sec. 26, SWNE, and T.4 S., R.43 E., Sec. 25, SESE and SWSW, Bonneville Co., B.M.

New Claim: T.4 S., R.43 E., Sec. 23, NENE; Point of Injection: T.4 S., R.43 E., Sec. 26, NESWNE; Point of Re-diversion: T.4 S., R.43 E., Sec. 26, NESWNE

IRRIGATION OF PLACE OF USE: As shown by the enclosed title documents, the Service acquired the land associated with these claims in 1973. After acquisition of the property, the Refuge Manager was involved in attempts to coordinate water use on the property with upstream and downstream neighbors. To the best of my knowledge, since the Service acquired the lands, Refuge permittees irrigated all of the lands every year until 1995. Since 1995, Refuge staff has irrigated the lands every year. The Place of Use includes meadows in the South 40 field which produce hay. The Refuge staff cleaned all upstream delivery ditches and channels located on Ewart Muir Estate land, with the permission of the heirs, to the point of diversion in 1992. The Refuge staff also maintained and improved ditches on the Refuge in 2002.

Water from Bridge Creek and Eagle Creek water, coming through the Dugway Ditch and into the Bridge Creek channel, is used on these lands for irrigation, wildlife, and stock. Water from the point of diversion moves north and west to irrigate meadows in the South 40 fields. Water from these diversions also provides livestock water and flood irrigation for hay production to create wet meadow habitats for wildlife. Wildlife use in these wet meadows is high, including use by sandhill cranes, waterfowl and shorebirds for breeding, nesting and migration. Spring, summer and early fall water from Bridge Creek and flows from Eagle Creek provide water that I have diverted (via structures, ditches and using canvas dams) and monitored, or measured, while Refuge Manager at Grays Lake. I have also directed Refuge staff to conduct the diversions and measurements. Water measurements were made at least once per month and after flow adjustments were made, since 1995, at the north ditch flume (Sec. 26, SWNE) (by flume gauge or water flow meter prior to the flume) and the west water control structure (Sec. 26, SWNE) along the Bridge Creek channel on the Refuge.

4) CLAIM: A25-04034B and new claim to Bridge Creek

SOURCE: Eagle Creek (A25-04034B) and Bridge Creek (new claim)

PLACE OF USE: T.4 S., R.43 E., Sec. 23, NESW, SESW, and SWSW, Bonneville Co., B.M.

POINT OF DIVERSION:

PAGE 3 OF 7: Affidavit of Michael N. Fisher

A25-04034B: T.4 S., R.43 E., Sec. 23, NENE, and NWSWNE, Bonneville Co., B.M.; Point of Injection: T.4 S., R.43 E., Sec. 26, NESWNE; Point of Re-diversion: T.4 S., R.43 E., Sec. 26, NESWNE;

New Claim: T.4 S., R.43 E., Sec. 26, SWNE, and T.4 S., R.43 E., Sec. 25, SESE and SWSW, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the land associated with these claims in 1986. After acquisition of the property, the Refuge Manager was involved in attempts to coordinate water use on the property with neighbors. To the best of my knowledge, since the Service acquired the lands, Refuge permittees irrigated all of the lands every year until 1995. Water from Eagle Creek and Bridge Creek is diverted onto these lands. The Place of Use includes the North 40 Field and Center 40 Field. From 1995 to 2003, the Refuge staff and I continued the historic practice of diverting water from the Main Eagle Creek diversion structure (Sec. 23, NWSWNE) on the Refuge. Water was diverted south and west across the Ewart (Stoddard) Field to the Place of Use in the North 40 Field and the Center 40 Field. The Refuge staff and I also diverted water from 1995 to 2003 across the Sibbett field to the Center 40, as had been done historically. Irrigation water on this Place of Use is used for stock and wildlife watering and to provide hay production to create diverse wet meadow habitats for sandhill cranes, waterfowl and shorebirds.

Since 1995 until 2003, Refuge staff have taken water measurements at specific water diversion points to quantify flows using water flow meters and, more recently, fixed flumes in two locations. In 1995, the Refuge staff cleaned the delivery ditch across private land, with the permission of the owner, from the point of diversion to the Place of Use. The distribution ditch within the Place of Use was cleaned at the same time. Maintenance and improvements to ditches were done again in 2002 to improve flows.

5) CLAIM: A25-04045 and new claim to unnamed stream (known as Hawkins Creek)

SOURCE: Willow Creek (A25-04045) and Unnamed Stream (a.k.a. Hawkins Creek) (new claim)

PLACE OF USE: T.4 S., R.43 E., Sec. 11, SENE, SWNE, NESW, NWSE, Bonneville Co., B.M.

POINT OF DIVERSION:

A25-4045: T.4 S., R.44 E., Sec. 6, SESW, Bonneville Co., B.M.; Point of Injection: T.4 S., R.43 E., Sec. 1, SESW; Points of Re-diversion: T.4 S., R.43 E., Sec. 11 SESENE.

New Claim: T.4 S., R.43 E., Sec. 11 SESENE, and additional in SESENE.

IRRIGATION OF PLACE OF USE: The Service acquired the land associated with these claims in 1975. After acquisition of the property, the Refuge Manager was involved in attempts

to coordinate water use on the property with neighbors. For the first five years following purchase, an agreement was in place, as a condition of purchase, allowing the original owner to continue to manage the property for haying and grazing as he had done previously, including water management which supported haying, grazing and wildlife. This water management was considered beneficial to the Refuge. To the best of my knowledge the former owner irrigated all of the lands in the Place of Use until 1980 and after the five year agreement expired in 1980, the Refuge permittee continued to irrigate all of the lands every year until 1995. The Place of Use consists of meadows, also known as Hayfield and Hawkins Creek fields, which are part of tract #32. Since 1995, the Refuge staff and I have taken an active role in irrigating the Place of Use every year. I coordinated closely with the adjacent landowner upstream to ensure the Refuge receives sufficient flows through Willow Creek and Hawkins Creek. This water is used for hay production and stock water and provides important wildlife habitat for sandhill cranes, waterfowl and shorebirds. Maintenance and improvements to ditches were done in 2002.

6) CLAIM: A25-13722

SOURCE: Eagle Creek

PLACE OF USE: T.4 S., R.43 E., Sec. 23, Lots 2 & 3, Bonneville Co., B.M.

POINT OF DIVERSION: T.4 S., R.43 E., Sec. 23, NENW, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the land associated with this claim in 1988. After acquisition of the property, the Refuge Manager was involved in attempts to coordinate water use on the property with neighbors. To the best of my knowledge, since the Service acquired the lands, the Refuge permittee irrigated all of the lands in the Place of Use every year from 1988 to 1995. Refuge staff cleaned the ditches and laterals in the Place of Use in 1992. Since 1995, the Refuge staff has continued to irrigate all of the lands every year. The Place of Use is also known as Boathouse Field (Tract 40).

As Refuge Manager I diverted water into the Boathouse Field (Tract 40) annually via a ditch from the main Eagle Creek ditch. This water irrigated the Boathouse Field, to the south and west of the Point of Diversion, for hay production, while also providing wildlife and stock water. From 1995 through 2003, I measured water flows using flow meters and, more recently, a Parshall flume to quantify Eagle Creek flows used to irrigate this Place of Use. Maintenance and improvements to ditches were done in 2002.

7) CLAIM: A25-14084

SOURCE: Bridge Creek

PLACE OF USE: T.4 S., R.43 E., Sec. 35, SWNW and Sec. 34, NENE, NWNE, SWNE, SENE, NESE, NWSE, Bonneville Co., B.M.

POINT OF DIVERSION: T.4 S., R.43 E., Sec. 35, NWNW, B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the land associated with this claim in 1980. After acquisition of the property, the Refuge Manager was involved in attempts to coordinate water use on the property with neighbors. Since the Service acquired the lands, irrigation flows have reached the Place of Use every year. The Place of Use is the Tingey Tract, #51. The Refuge staff has irrigated these lands every year since 1980. Water is used for hay production, stock water and for important wildlife use by sandhill cranes, waterfowl and shorebirds. Since 1995, I have measured water flows down the Bridge Creek channel using flow meters. Maintenance and improvements to ditches were done in 2002.

8) CLAIM: A25-14096

SOURCE: Willow Creek

PLACE OF USE: T.3 S., R.43 E., Sec. 34, NWSE, SWSE, SESE, and Sec. 35 SWSW, Bonneville Co., B.M.

POINT OF DIVERSION: T.3 S., R.43 E., Sec. 35, NESW, Sec. 34, NESE, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the land associated with this claim in 1975. After acquisition of the property, the Refuge Manager was involved in attempts to coordinate water use on the property with neighbors. For the first five years following purchase, an agreement was in place, as a condition of purchase, allowing the original owner to continue to manage the property for haying and grazing as he had done previously, including water management to support the haying, grazing, and wildlife. This water management was considered beneficial to the Refuge. To the best of my knowledge, the former owner irrigated all of the lands in the Place of Use until 1980, and after the five year agreement expired in 1980, the Refuge permittee irrigated all of the lands every year until 1995. After 1995, Refuge staff continued to irrigate the Place of Use every year. Water from Willow Creek irrigates the Place of Use, known as Willow Creek Field (Tract #32). Uses include stockwater and watering of meadows for important wildlife habitat for sandhill cranes, waterfowl and shorebirds. I have been measuring Willow Creek flows since 1995 using water flow meters. Maintenance and improvements to Willow Creek ditches were done in 2002.

Further affiant saith not. **DATED** this _____th day of January 2005.

Michael N. Fisher
U.S. Fish and Wildlife Service
4425 Burley Drive, Suite 4
Chubbuck, ID 83202

STATE OF _____)
COUNTY OF _____)

The affiant, Michael N. Fisher, being first duly sworn by me, hereby declares that he has read the foregoing Affidavit and that the information contained therein is true and accurate to the best of his knowledge and belief.

Subscribed and sworn to me by Michael N. Fisher this ____th day of January 2005.

NOTARY PUBLIC

Residing at _____

(Seal)

My Commission Expires:

DESCRIPTIVE SUMMARY

This document is an affidavit by David J. Langman regarding the management of water from various sources at the Grays Lake National Wildlife Refuge (Refuge).

AFFIDAVIT

I, David J. Langman, being first duly sworn,

1. I am a resident of Battle Ground, Washington, and am employed by the U. S. Fish and Wildlife Service (FWS), Region 1 as a Regional Hydrologist in the Water Resources Branch of the Division of Engineering in Portland, Oregon.
2. I am a trained hydrologist with an Associate of Applied Science Degree in Water Resources from Spokane Community College, Spokane, Washington and a Bachelor of Science Degree in Geology from Eastern Washington University, Cheney, Washington. Since college, I have received additional advanced training in hydraulics and hydrology.
3. I have been employed by the FWS as a hydrologist since October 1989. Previous to my current position, I was employed by the U. S. Geological Survey as a Hydrologic Technician (1981 - 1983) and as a Hydrologist (1983 - 1989) before transferring to the U. S. Fish and Wildlife Service in October 1989. My responsibilities include the areas of hydrology and water rights management for the six states comprising Region 1, which includes Idaho. These duties also include among others, recommending measurement devices for specific sites and situations, designing and installing water measurement devices, making water flow measurements, providing training in water measurement procedures to other personnel in the Region, reviewing and interpreting water-measurement data, and researching water rights.
4. I also have a thorough understanding of the 48 Snake River Basin Adjudication (SRBA) claims pertinent to the Refuge. I have been the point of contact for the FWS regarding these claims since 1994, and have worked with Refuge staff to ensure the validity of each claim described below.
5. Between 1994 and 2003, I have installed/overseen the installation of approximately 16 water-use monitoring systems at the Refuge. The purpose of these monitoring sites is to quantify the amount of water diverted to the place of use covered under the Refuge's irrigation water rights claims filed in the SRBA. Specifically, these irrigation claims include A25-00229A, A25-04032, A25-04034B, A25-04045, A25-13722, A25-14084, A25-14096, and three new claims for Bridge Creek, Eagle Creek, and an unnamed stream locally known as Hawkins Creek. The monitoring sites relevant to these claims are:

Station Name: Herman Creek near Collins Ranch - East Channel

Station Number 461201

Monitors water-use under claim no. A25-0229A

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Source - Herman Creek
Period of record - July 1995 to present

Station Name: Herman Creek near Collins Ranch - West Channel
Station Number 461202
Monitors water-use under claim no. A25-0229A
Source - Herman Creek
Period of record - July 1995 to present

Station Name: Bridge Creek & Eagle Creek at Sibbett Field
Station Number 461203
Monitors water-use under claim no. A25-4032 and A25-4034B
Source - Bridge Creek and Eagle Creek
Period of record - July 1995 to present

Station Name: Willow Creek near Mann Ranch
Station Number 461204
Monitors water-use under claim no. A25-4046B
Source - Willow Creek
Period of record - July 1995 to present

Station Name: Hawkins Creek near Linstrom Ranch
Station Number 461205
Monitors water-use under claim no. A25-4045
Source - Hawkins Creek
Period of record - July 1995 to present

Station Name: Eagle Creek Ditch near Boathouse
Station Number 461206
Monitors water-use under claim no. A25-13722
Source - Eagle Creek
Period of record - July 1995 to present

Station Name: Herman Creek near Collins Ranch - Main Channel
Station Number 461208
Monitors water-use under claim no. A25-0229A
Source - Herman Creek
Period of record - July 1995 to present

Station Name: Bridge Creek near Tingey Ranch
Station Number 461212
Monitors water-use under claim no. A25-14084
Source - Bridge Creek
Period of record - unknown

Station Name: Eagle Creek at Ewart Field - East Ditch

Station Number 461213

Monitors water-use under claim no. A25-4005 and A25-4034B

Source - Eagle Creek

Period of record - May 2002 to present

Station Name: Eagle Creek at Ewart Field Field - West Ditch

Station Number 461214

Monitors water-use under claim no. A25-4005 and A25-4034B

Source - Eagle Creek

Period of record - May 2002 to present

Station Name: Dugway Ditch at East Ewart Field - Upper Site

Station Number 461215

Monitors water-use under claim no. A25-4034B

Source - Eagle Creek

Period of record - May 2002 to present

Station Name: Dugway Ditch at East Ewart Field - Lower Site

Station Number 461216

Monitors water-use under claim no. A25-4034B

Source - Eagle Creek

Period of record - May 2002 to present

7. I have included copies of the FWS's Annual Water Use records for specified years for the above stations. These reports demonstrate the amount of water diverted for the specified year(s).
8. Since 1994 I have made over 35 trips to the Refuge. These trips were made to recommend and/or install measuring systems and to become familiar with the various water resources of the Refuge. Over the past 11 years, I have gained an understanding of water sources, delivery, and management under the claims referenced above at paragraph #4, including: where and how the Refuge receives its water under its SRBA claims and how it is managed.
9. Based on the data collected at FWS monitoring stations and my familiarity with the water systems on the Refuge, I provide the following conclusions:

CLAIM:A25-00229A

The source of water for this claim is Herman Creek (also known as Meyers Creek). The water is first diverted from its source in the NWNW, Sec.28, T.3S., R.43E., B.M. and is diverted for wildlife, stock and irrigation purposes onto the NWNW, SWNW, Sec. 28, and NENE, SENE, Sec. 29, T.3S., R43E., B.M. It is my understanding that since the Service acquired the Place of Use (POU) in 1976,

Refuge staff have diverted the water for irrigation, stock and wildlife purposes. Water use under this claim has been measured at Stations No(s).461201, 461202, and 461208 since July of 1995. The attached FWS's Annual Water Use Records, 1996-1997 Water Years, show that the claimed amount was diverted, and the Ralph Stoor and Michael Fisher affidavits show that the water was beneficially used.

CLAIM:A25-04032 (Bridge Creek) & New Claim (Eagle Creek)

The primary source of water for the POU covered by these claims is Bridge Creek. When sufficient water is not available from Bridge Creek, water is used from Eagle Creek, coming through the Dugway Ditch into the Bridge Creek channel for use on the Refuge. I have observed this several times on my visits to the Refuge. Water use under these claims has been measured at Station No. 461203 since July of 1995. It is my understanding that since the Service acquired the POU in 1975, Refuge staff have diverted the water for irrigation, stock and wildlife purposes every year. The attached FWS's Annual Water Use Records, 1996-1997 Water Years, show that the claimed amount was diverted, and the Ralph Stoor and Michael Fisher affidavits show that the water was beneficially used.

CLAIM:A25-04034B (Eagle Creek) & New Claim (Bridge Creek)

The primary source of water for the POU covered by these claims is Eagle Creek. However, Bridge Creek water is also diverted onto these lands. Eagle Creek water reaches the POU from a ditch approximately one quarter mile north of the POU and from the Dugway Ditch to the east. Eagle Creek also co-mingles with Bridge Creek and reaches the POU through the Bridge Creek channel. Bridge Creek reaches the POU of use from the southeast. I have observed this several times on my visits to the Refuge. Water diverted under these claims can be monitored at Stations Nos. 461203, 461213, 461214, 461215, and 461216. It is my understanding that since the Service acquired in the POU in 1986, Refuge staff have diverted the water for irrigation, stock and wildlife purposes every year. The attached FWS's Annual Water Use Records, 1996-1997 Water Years, show that the claimed amount was diverted, and the Ralph Stoor and Michael Fisher affidavits show that the water was beneficially used.

CLAIM:A25-04045 (Willow Creek) & New Claim [(Unnamed Stream (a.k.a. Hawkins Creek))]

The sources of water for the POU covered by these claims are Willow Creek and an unnamed stream (a.k.a. Hawkins Creek). Water from Willow Creek is injected into an unnamed stream (a.k.a. Hawkins Creek). It is my understanding that since the Service acquire the POU in 1975, Refuge staff have diverted the water and it has been used for irrigation, stock and wildlife purposes every year.

Since 1994, on two occasions I have observed water being diverted to the POU. Water-use under these claims have been monitored at one of its two points of re-diversion at Station No. 461205 since July 1995. The attached FWS's Annual Water Use Records, 1996-1997 Water Years, show that most of the water claimed was diverted through the first point of re-diversion. There is also a second point of diversion which is not measured. As stated in the affidavits of Ralph Stoor and Michael Fisher, the Refuge uses all of the water made available to it.

CLAIM:A25-13722

The source of water for this claim is Eagle Creek. It is my understanding that since the Service acquired the POU in 1988, Refuge staff have diverted the water for irrigation, stock and wildlife purposes every year. Since 1995 on several occasions, I have observed water being diverted to the POU. Water use under this claim has been monitored at Station No. 461206 since July 1995. The attached FWS's Annual Water Use Records, 1996-1997 Water Years, show that the claimed amount was diverted, and the Ralph Stoor and Michael Fisher affidavits show that the water was beneficially used.

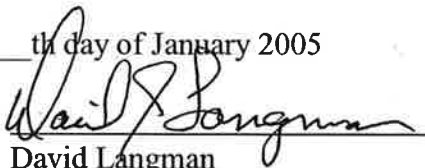
CLAIM:A25-14084

The source of water for this claim is Bridge Creek. It is my understanding that since the Service acquired the POU in 1980, Refuge staff have diverted the water for irrigation, stock and wildlife purposes every year. Since 1995 on several occasions, I have observed water being diverted to the POU. Water use under this claim is monitored at Station No. 461212. The attached FWS's Annual Water Use Records, 1996-2003 Water Years, show that the claimed amount was diverted, and the Ralph Stoor and Michael Fisher affidavits show that the water was beneficially used.

CLAIM:A25-14096

The source of water for this claim is Willow Creek. It is my understanding that since the Service acquired the POU in 1975, Refuge staff have diverted the water for irrigation, stock and wildlife purposes every year. Since 1995 on several occasions, I have observed water being diverted to the POU. Water use under this claim has been monitored at Station No. 461204 since July 1995. The attached FWS's Annual Water Use Records, 1996-1997 Water Years, show that the claimed amount was diverted, and the Ralph Stoor and Michael Fisher affidavits show that the water was beneficially used.

Further affiant saith not. **DATED** this 11 th day of January 2005

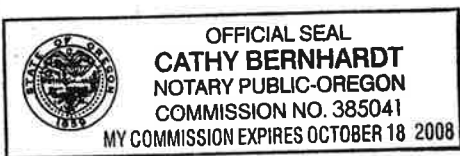


David Langman
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

STATE OF Oregon)
COUNTY OF Multnomah)

The affiant, David Langman, being first duly sworn by me, hereby declares that he has read the foregoing Affidavit and that the information contained therein is true and accurate to the best of his knowledge and belief.

Subscribed and sworn to me by David Langman this 11 th day of January 2005.




NOTARY PUBLIC

Residing at Portland, Oregon

(Seal)

My Commission Expires: October 18, 2008

I, Ralph Stoor, being first duly sworn, depose and testify as follows:

My name is Ralph E. Stoor and I am currently employed by the U.S. Fish and Wildlife Service (USFWS or Service) as an Engineering Equipment Operator at the Grays Lake National Wildlife Refuge (Refuge), near Wayan, Idaho. I have been employed by the USFWS since 1966. In my role as an Engineering Equipment Operator, I am assigned responsibility and duties for, operating and maintaining heavy equipment, maintaining government owned buildings, grounds, and facilities, maintaining refuge fencing, refuge farming operations, checking on refuge haying and grazing permittees, maintaining water levels, managing refuge water gaging controls, irrigating refuge lands, assisting in installation of water measurement flumes, coordinating Regional Office Service Personnel and other refuge programs, and attending water training sessions.

In addition to working at the refuge, I have lived in the Wayan and Soda Springs, Idaho, area for 60 years. I am familiar with irrigation practices both on- and off-refuge lands, before and after the refuge was established. I have owned my own ranching operation in the Wayan area (Grays Lake Valley) since 1962, and was also born and raised on the same ranch which I have worked for approximately 50 years.

I have personal knowledge and experience in diverting water for irrigation and wildlife purposes onto the Grays Lake Refuge lands covered under claims A25-00229A, A25-02161, A25-04032, A25-04034B, A25-04045, A25-13722, A25-14084, A25-14096, and the new Bridge Creek, Eagle Creek, and unnamed stream (locally known as Hawkins Creek) claims. Specifically, water was diverted for irrigation and wildlife purposes as indicated below:

1) CLAIM: A25-00229A

SOURCE: Herman Creek (also known as Meyers Creek)

PLACE OF USE: T.3 S., R.43 E., Sec. 28, NWNW, SWNW, and Sec. 29, NENE, SENE, Bonneville Co., B.M

POINT OF DIVERSION: T.3 S., R.43 E., Sec. 28, NWNW, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the 160 acres of land associated with this claim in 1976. I refer to these lands as the Rich Tract. Since the Service acquired the lands, Refuge staff have made efforts to irrigate every year. Since that date, I was involved in constructing wildlife and stockwater ponds in areas tied directly to this specific diversion and in approving irrigation. During 1977, I was involved in the construction of a low elevation dike off the diversion and in October of 1994 a new west ditch was constructed in the Rich Tract. In August of 1982, I was involved in the construction of a pond for wildlife and stockwater use off the Herman Creek Channel. On July 1, 1993, the area was surveyed for culvert installation and water control structures

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were in place by August 4, 1993. During the period from 1976 through 2004 ditches and water control structures were cleaned and maintained on a regular basis (as needed). Since the installation of the water control structures, water levels have been actively managed in that area when water was available. In October (25th and 26th) of 1994 two new ditches were created off the Herman Creek Channel to improve irrigation and on November 3rd and 4th of that same year additional work was done on the ditches, including surveys. Throughout the time the Service has owned the property, water has been used for irrigation, wildlife and stockwater.

From a historical perspective, obvious evidence of old natural water and diversion channels exists in that same area today (within the Rich Tract and on BLM property just east of the County Road - Grays Lake Road).

2) CLAIM: A25-02161

SOURCE: A well near Headquarters

PLACE OF USE: T.4 S., R.43 E., Sec. 35, SENE, Bonneville Co., B.M.

POINT OF DIVERSION: T.4 S., R.43 E., Sec. 35, SENE, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the land associated with the claim in 1969. Since the Service acquired the lands, the Refuge has used this well to: supply water to a residence, headquarters office, shop, bunkhouse, guard station, 3 hydrants, an RV pad; irrigates lawn surrounding the office area; and provide water for livestock.

3) CLAIM: A25-04032 and new claim to Eagle Creek

SOURCE: Bridge Creek (A25-04032) and Eagle Creek (new claim)

PLACE OF USE: T.4 S., R.43 E., Sec. 26, NENW, Bonneville Co., B.M

POINT OF DIVERSION:

A25-04032: T.4 S., R.43 E., Sec. 26, SWNE, and T.4 S, R.43 E, Sec. 25, SESE and SWSW, Bonneville Co., B.M.

New Claim: T.4 S., R.43 E., Sec. 23, NENE; Point of Injection: T.4 S., R.43 E., Sec. 26, NESWNE; Point of Re-diversion: T.4 S., R.43 E., Sec. 26, NESWNE

IRRIGATION OF PLACE OF USE: The Service acquired the 40 acres of land associated with this claim in 1973. I refer to these lands as the South 40. Since the Service acquired the lands, Refuge staff have made efforts to irrigate every year. Bridge

Creek water serves the entire place of use. However, water from Eagle Creek (coming through the ditch east of the County Road and into the Bridge Creek channel) is also used. Since Service ownership, I have observed that water from these diversions primarily served to provide irrigation, stockwater, and to supply wildlife wetlands during the Spring, Summer, and Fall. As long as I can remember, and before the Service acquired the property, waters from these diversions irrigated pasture lands, provided livestock water, and supplied water to wetlands. On August 29, 1988, the north diversion channel of Bridge Creek was cleaned to improve irrigation, stock, and wildlife water delivery to the South and Middle 40 Units and southern edge of the North 40 Unit.

4) CLAIM: A25-04034B and new claim to Bridge Creek

SOURCE: Eagle Creek (A25-04034B) and Bridge Creek (new claim)

PLACE OF USE: T.4 S., R.43 E., Sec. 23, NESW, SESW, and SWSW, Bonneville Co., B.M.

POINT OF DIVERSION:

A25-04034B: T.4 S., R.43 E., Sec. 23, NENE, and NWSWNE, Bonneville Co., B.M.;

Point of Injection: T.4 S., R.43 E., Sec. 26, NESWNE; Point of Re-diversion: T.4 S., R.43 E., Sec. 26, NESWNE;

New Claim: T.4 S., R.43 E., Sec. 26, SWNE, and T.4 S, R.43 E, Sec. 25, SESE and SWSW, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the 80 acres of land associated with this claim in 1986. I refer to these lands as the North 40 (NESW) and Middle 40 (SESW). Since the Service acquired the lands, Refuge staff have made efforts to irrigate every year. The primary source of water for this tract is Eagle Creek. However, there are times when Bridge Creek water is additionally diverted onto these lands. Prior to Service ownership, I observed early-Spring through mid-Summer and Fall irrigation of crops located in the "North 40" and "Middle 40" for haying and pasture. Since Service ownership of this property, the lands continue to receive irrigation water for haying crops, pasture and wildlife. Beginning with the establishment of the refuge in 1965, work to improve water delivery from the main Eagle Creek channel was initiated. On September 22, 1976, work was done on the Eagle Creek water control structure and main diversion to improve water delivery to the refuge and lands owned by adjacent neighboring landowners (now the refuge). I have documented additional work to maintain this particular water delivery system beginning in 1987 to present; this work has occurred almost on an annual basis. In addition, at least six diversion culverts out of the Dugway Ditch supply Eagle Creek water to the Ewart Field (or Stoddard Field) and the Middle and North 40 Units. These diversions from the Dugway Ditch divert water prior to running onto the adjacent private landowner to the south. Historically, these fields

were flood irrigated on almost an annual basis prior to refuge ownership. Since refuge ownership of these same parcels, they have been irrigated in the same manner almost annually for the purposes of proving irrigation of croplands, stockwater and wildlife. Refuge staff has done, and continues to do, a considerable amount of maintenance work on the Dugway Ditch (as needed); including filling leaks, upkeep of culverts, and cleaning ditches. On August 29, 1988 the north diversion channel of Bridge Creek was cleaned to improve irrigation, stock, and wildlife water delivery to the South and Middle 40 Units and southern edge of the North 40 Unit.

5) CLAIM: A25-04045 and new claim to unnamed stream (known as Hawkins Creek)

SOURCE: Willow Creek (A25-04045) and Unnamed Stream (a.k.a. Hawkins Creek) (new claim)

PLACE OF USE: T.4 S., R.43 E., Sec. 11, SENE, SWNE, NESW, NWSE, Bonneville Co., B.M.

POINT OF DIVERSION:

A25-4045: T.4 S., R.44 E., Sec. 6, SESW, Bonneville Co., B.M.; Point of Injection: T.4 S., R.43 E., Sec. 1, SESW; Points of Re-diversion: T.4 S., R.43 E., Sec. 11 SESENE

New Claim: T.4 S., R.43 E., Sec. 11 SESENE, and additional in SESENE.

IRRIGATION OF PLACE OF USE: The Service acquired the 69.2 acres of land associated with this claim in 1975. I refer to these lands as the Hawkin's Field (NWSE) and the Hay Field (SENE, SWNE, and NESW). Since the Service acquired the land, Refuge staff have taken an active role in irrigating on regular basis as water is available for croplands, livestock and wildlife. Since approximately November 30, 1977, the refuge has coordinated with the neighboring private landowner to maintain the initial diversion from the Willow Creek Channel into Hawkin's Creek. The refuge has also spent a significant amount of time throughout the years coordinating with the same private landowner to ensure the refuge receives sufficient water for irrigation of hay fields, pasture lands and for wildlife habitat. The original Hawkin's Creek Channel was changed by the landowner from the Hay Field to the fence line diverting water into the Hawkin's 40 Field. Refuge staff have since cleaned, improved and cut new ditches in order to more adequately provide irrigation water to the Hawkin's 40 Field. Refuge staff have coordinated with the adjacent landowner for several years to divert water to the North Ditch in order to provide irrigation and wildlife water to the Hay Field. I have documented additional work on the Hawkin's Creek Channel for both September 21 and October 17, 1995. It is my understanding that this same property was historically irrigated prior to Service acquisition.

6) CLAIM: A25-13722

SOURCE: Eagle Creek

PLACE OF USE: T.4 S., R.43 E., Sec. 23, Lots 2 & 3, Bonneville Co., B.M.

POINT OF DIVERSION: T.4 S., R.43 E., Sec. 23, NENW, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the 44.5 acres of land associated with this claim in 1988. Since the Service acquired the land, Refuge staff have irrigated almost every year. Prior to Service ownership, I observed the primary source of water supply to these tract coming from Eagle Creek. Prior to Service ownership, I observed early-Spring through mid-Summer, and when water was available, throughout the Fall, irrigation of the Boat House Field for hay crops, pasture units, wetlands, and for a stockwater pond. Since Service ownership of this property, the lands continue to receive irrigation water for haying crops, pasture and wetlands for wildlife. Beginning with the establishment of the refuge in 1965, work to improve water delivery from the main Eagle Creek channel was initiated. On September 22, 1976, work was done on the Eagle Creek water control structure and main diversion to improve water delivery to the refuge and lands then owned by adjacent neighboring landowners (now the refuge). I have documented additional work to maintain this particular water delivery system from 1976 to present; which has occurred almost on an annual basis. In addition, since November 9th, 1987, the refuge also has records of irrigating the Boat House Field with waters from the Eagle Creek Channel on a fairly regular basis, for purposes of irrigating croplands, and providing water for livestock and wildlife.

7) CLAIM: A25-14084

SOURCE: Bridge Creek

PLACE OF USE: T.4 S., R.43 E., Sec. 35, SWNW and Sec. 34, NENE, NWNE, SWNE, SENE, NESE, NWSE, Bonneville Co., B.M.

POINT OF DIVERSION: T.4 S., R.43 E., Sec. 35, NWNW, B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the 140.84 acres of land associated with this claim in 1980. I refer to these lands as the Tingy Field. Since the Service acquired the lands, Refuge staff have irrigated as often as possible when water is available, which usually occurs during Spring and early-Summer and occasionally mid-

Summer, using water from the Bridge Creek Channel (also know as the Fulton Creek Channel). Prior to Service ownership, the Service installed on July 28, 1977, culverts along, and within, the Service right-of-way (Bridge Creek Access Road) for the purposes of diverting water. On November 5, 2001, additional lateral ditches were constructed and the creek channel cleaned. On June 27, 1988, the Service replaced the original water control structure (on Ewart Muir property). The stock ponds, currently used for livestock and wildlife, were established prior to these parcels being purchased by the Service. Prior to refuge establishment in 1965, the Tingy Field was irrigated and Bridge Creek water was the source of irrigation for these areas while under private ownership. Since that time, the refuge has assisted in operating the water control structure to divert waters either west or north for the purposes of irrigation and providing water for livestock and wildlife. Since 1988, the Service has also solely maintained and cleaned (as needed) the Bridge Creek delivery channel and water control structure to ensure water delivery to private landowners and the refuge. Bridge Creek waters are used annually by the refuge, during the Spring and Summer, to fill several ponds and for irrigation at the west end of Bridge Creek Lane for stockwater, croplands, and wildlife.

8) CLAIM: A25-14096

SOURCE: Willow Creek

PLACE OF USE: T.3 S., R.43 E., Sec. 34, NWSE, SWSE, SESE, and Sec. 35 SWSW, Bonneville Co., B.M.

POINT OF DIVERSION: T.3 S., R.43 E., Sec. 35, NESW, Sec. 34, NESE, Bonneville Co., B.M.

IRRIGATION OF PLACE OF USE: The Service acquired the 100 acres of land associated with this claim in 1975. Since the Service acquired the lands, Refuge staff in association with a neighboring landowner, have irrigated almost every year. Prior to Service ownership, existing ditches and creek channels were used by the previous landowner to deliver water for irrigation, stockwater and wetlands. Since November 30, 1977, the refuge (in cooperation with the adjacent landowner) has continued to maintain the diversion and flow water from the Willow Creek channel for irrigation, and for providing water for livestock and wildlife. On October 21, 2002 ditches off the main Willow Creek Channel were cleared and additional diversion channels added for purposes of providing increased flows for irrigation, livestock and wildlife.

Further affiant saith not. **DATED** this _____th day of January, 2005.

Ralph E. Stoor
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

STATE OF _____)

COUNTY OF _____)

The affiant, Ralph Stoor, being first duly sworn by me, hereby declares that he has read the foregoing Affidavit and that the information contained therein is true and accurate to the best of his knowledge and belief.

Subscribed and sworn to me by Ralph Stoor this ____th day of January, 2005.

NOTARY PUBLIC

Residing at: _____

(Seal)

My Commission Expires:

Right Number 25-4005

Attachment D: Aerial Photos of Place of Use

Right Number 25-4005

Attachment D: Aerial Photos of Place of Use

DRAFT

DRAFT

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: A25-4005

Date Received: _____

Receipt No.: _____

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: **United States of America**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
Phone: **503-231-6145**
2. Date of Priority: January 28, 1886
3. Source: Eagle Creek Trib. to: Grays Lake
4. Point of Diversion:
Township 4S Range 43E Section 23, NE1/4 NE1/4, B.M.,
County of Bonneville
Additional Points of Diversion NW1/4SW1/4NE1/4, Sec. 23, T.4S., R.43E.
5. Description of diverting works: **Earthen diversion and 2 ditches, flood irrigation.**
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
Irrigation/Wildlife	May 15	Oct. 31	1.37	
Stockwater/Wildlife	Mar. 15	Nov. 15	0.05	

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

United States of America
Fish and Wildlife Service

7. Total Quantity Claimed is:
1.42 C.F.S. (and/or) _____ A.F.A

8. Non-irrigation uses: 125 head cattle, wildlife.

9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	23	SW	NE	Irr,S&W	16.6
4S	43E	23	NW	SE	Irr,S&W	15.7
4S	43E	23	SE	NW	Irr,S&W	36.0

Total Number of Acres Irrigated 68.3

10. Place of use, county(ies): Bonneville

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

12. Other Water Rights Used: **None.**

13. Remarks: **This claim clarifies and updates Water Right Claim No. 25-4005.**

The Grays Lake National Wildlife Refuge was established by the Migratory Bird Conservation Commission on June 15, 1965, for waterfowl nesting and production.

14. Basis of Claim (Check one) Beneficial Use X Posted Notice _____
License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number 25-4005
Court _____ Case Number _____ Decree Date _____

25-4005

- FOS - ✓ on survey for QA line for NOME STATE
see 23.

- FOS may want plenty to last years prior.
June 1883.

Right Number 25-4005

Attachment F: Annual Water Use Records

SOUTH FORK EAGLE CREEK
NEAR OSLER RANCH
Annual Water-Use Records
1996 WATER -YEAR

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JAN 12 2005
Department of Water Resources
Eastern Region

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
REGION 1
SITE DESCRIPTION

1. **REFUGE/HATCHERY NAME:**
Grays Lake National Wildlife Refuge
 2. **SITE NAME:**
South Fork Eagle Creek nr. Osler Ranch
 3. **SITE NUMBER:**
461207
 4. **PURPOSE OF GAGE:**
To monitor water-use for water right 25-4034 and to quantify water needs for claim No.A25-04034B.
 5. **DESCRIPTIVE LOCATION OF SITE:**
Latitude 43° 3' 15", Longitude 111° 23' 00" (approximate). There is one measured channel, but diffuse overland flow enters the place of use from several other points. Diffuse flow cannot be quantified. Channel is located approximately 400 feet downstream (west) from Gray's Lake Road.
 6. **SUMMARY OF GAGE SYSTEM:**
None
 7. **DESCRIPTION OF RECORDING SYSTEM:**
None
 8. **REFERENCE GAGE:**
None
 9. **REFERENCE MARKS:**
None
 10. **DATA COLLECTION:**
Instantaneous discharge measurements are taken bi-weekly by current meter, portable flume or float method. No recording system or water level gage exists.
 11. **ESTABLISHMENT:**
Monitoring sites were established by Regional and Refuge Staff on July 20, 1995.
 12. **HISTORY:**
July 20, 1995 - Monitoring sites selected and established for instantaneous discharge measurements.
 13. **FUTURE WORK NEEDS (CLEANING, LEVELS, ETC.):**
Need to keep measuring section free of grass and weeds.
 14. **DESCRIPTION OF CHANNEL:**
The channel at the measuring site is approximately 4' wide and 1.5' deep with heavy grass growth on both banks. The bed is composed of sand and silt. The measuring site is downstream of a 12" culvert (under a boundary fence) that conveys water into a very short channel and onto a field at the place of use.
- DESCRIPTION OF CONTROL (FLUME, WEIR, ETC.)**
Channel control

16. **WINTER FLOW:**
Subject to ice cover during the winter months.

LOCATION AND TYPE OF DIVERSIONS:

Screwgate located 20 feet downstream of measuring section.

18. **LOCATION AND TYPES OF REGULATION:**

The diversions structure is located on refuge property, approximately 1600 feet upstream. Flow to the refuge is regulated at the diversion structure upstream. The service access to this diversion is by permission only.

19. **LAND STATUS:**

Site is located on Fish and Wildlife Service property.

20. **COOPERATING AGENCIES:**

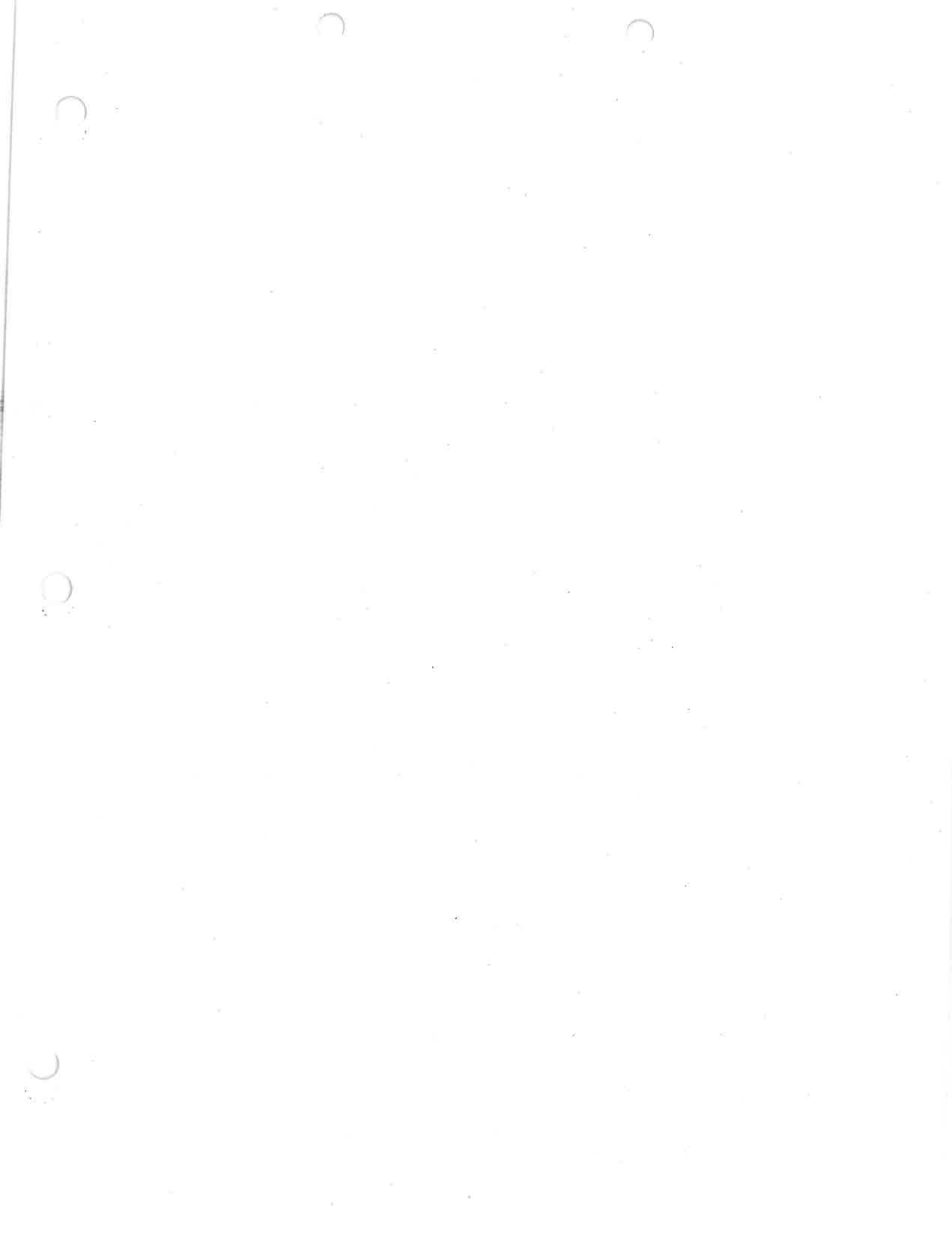
None

21. **USGS TOPO MAP:**

Bear Island, 7.5 minutes

PREPARED BY: David Langman

DATE: November 9, 1999



U.S. Department of the Interior
Fish and Wildlife Service
 (Discharge Measurement Summary Sheet)

Grays Lake NWR W.Y. 1996

Site Name: South Fork Eagle Creek near Ostler Ranch

Station No. 461207

Meas. No.	Date	Made By	Width (ft)	Area (ft ²)	Mean Vel. (ft/sec)	Gage Height (ft.)	Discharge (cfs)	Rating No. N/A		Method	Remarks
								Shift	% Diff		
1	5/9/96	Fisher	2.90	1.47	0.42	-----	0.62	-----	-----	Wading	Diversion began on 5/8. Measurement rated Good (G)
2	5/29/96	Nuffer Stoor	2.00	1.43	0.46	-----	0.66	-----	-----	Wading	A little vegetation in channel. Measurement rated G
3	7/17/96	Stoor	-----	-----	-----	-----	.043	-----	-----	Flume	Measurement rated G
4	8/28/96	Stoor	-----	-----	-----	-----	.073	-----	-----	Flume	Measurement rated G

Remarks: Season water diversion began on 5/8/96 and was shut-off on 8/28/96.
 Measurements of flow were obtained by the "Current Meter" or "Flume" method.

U.S. FISH AND WILDLIFE SERVICE - DIVISION OF ENGINEERING
461207 South Fork Eagle Creek near Osler Ranch

DAILY DISCHARGE IN CUBIC FEET PER SECOND WATER YEAR OCT 1995 TO SEP 1996

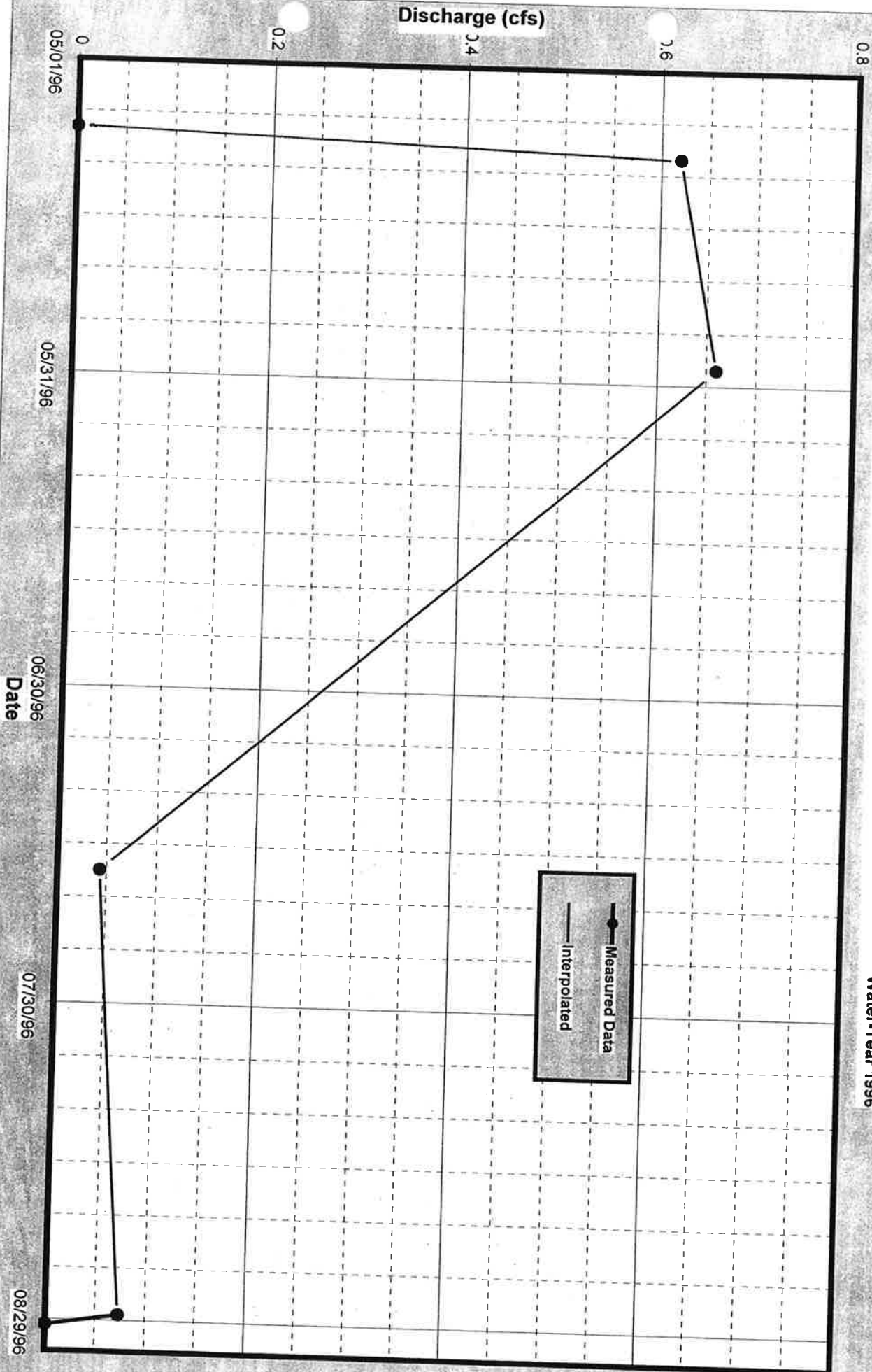
Day	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	0	0	0	0	0	0	0	0	.62	.24	.05	0
2	0	0	0	0	0	0	0	0	.61	.23	.05	0
3	0	0	0	0	0	0	0	0	.60	.22	.06	0
4	0	0	0	0	0	0	0	0	.58	.21	.06	0
5	0	0	0	0	0	0	0	0	.57	.19	.06	0
6	0	0	0	0	0	0	0	0	.56	.18	.06	0
7	0	0	0	0	0	0	0	0	.55	.17	.06	0
8	0	0	0	0	0	0	0	0	.62	.16	.06	0
9	0	0	0	0	0	0	0	.62	.53	.14	.06	0
10	0	0	0	0	0	0	0	*.62	.52	.13	.06	0
11	0	0	0	0	0	0	0	.62	.51	.13	.06	0
12	0	0	0	0	0	0	0	.62	.50	.12	.06	0
13	0	0	0	0	0	0	0	.63	.48	.11	.06	0
14	0	0	0	0	0	0	0	.63	.47	.09	.06	0
15	0	0	0	0	0	0	0	.63	.46	.08	.06	0
16	0	0	0	0	0	0	0	.63	.45	.07	.06	0
17	0	0	0	0	0	0	0	.63	.43	.06	.06	0
18	0	0	0	0	0	0	0	.64	.42	*.04	.07	0
19	0	0	0	0	0	0	0	.64	.41	.04	.07	0
20	0	0	0	0	0	0	0	.64	.40	.04	.07	0
21	0	0	0	0	0	0	0	.64	.38	.05	.07	0
22	0	0	0	0	0	0	0	.64	.37	.05	.07	0
23	0	0	0	0	0	0	0	.65	.36	.05	.07	0
24	0	0	0	0	0	0	0	.65	.35	.05	.07	0
25	0	0	0	0	0	0	0	.65	.33	.05	.07	0
26	0	0	0	0	0	0	0	.65	.32	.05	.07	0
27	0	0	0	0	0	0	0	.65	.31	.05	.07	0
28	0	0	0	0	0	0	0	.66	.29	.05	.07	0
29	0	0	0	0	0	0	0	.66	.28	.05	*.07	0
30	0	0	0	0	0	0	0	*.66	.27	.05	0	0
31	0	-----	0	0	-----	0	0	.65	.26	.05	0	0
TOTAL	0	0	0	0	0	0	0	.63	-----	.05	0	-----
MEAN	0	0	0	0	0	0	0	15.34	13.19	3.12	1.78	0
MAX	0	0	0	0	0	0	0	.49	.44	.10	.057	0
MIN	0	0	0	0	0	0	0	.66	.62	.24	.07	0
AC-FT	0	0	0	0	0	0	0	0	.26	.04	0	0
CAL YEAR 1995 TOTAL*		0.00	MEAN	0	MAX	0	MIN	0	AC-FT	0		
WTR YEAR 1996 TOTAL		33.43	MEAN	.091	MAX	.66	MIN	0	AC-FT	66		

* Measured values, all others interpolated.

Station No. 461207

South Fork Eagle near Osler Ranch

Water Year 1996



WATER MONITORING SITE ANALYSIS - WY 1996 (Seasonal)

SITE NUMBER: 461207

SITE NAME: South Fork Eagle Creek near Osler Ranch

FACILITY: Grays Lake NWR

EQUIPMENT: Four flow measurements were made during the year. Two were made using a Marsh McBirney velocity meter and current-meter method and two were made with small portable Flume.

GAGE-HEIGHT RECORD: (Raw)

Completeness of record: This is not a continuous recording station. Four instantaneous discharge measurements were made during the year. Daily flow values were interpolated between measured points.

GAGE-HEIGHT RECORD: (EDITED) N/A

DATUM AND TIME CORRECTIONS: N/A

SHIFT CORRECTIONS: N/A

CONTROL: N/A

RATING: N/A

REMARKS: Diversion of water for the season began on May 8, 1996 and ended on August 28, 1996. Four instantaneous discharge measurements (no.(s) 1 - 4) were made during the season. All were rated good. A record of daily flow diversion was simulated by interpolating between measured points. The interpolated data is rated fair due to the number and frequency of measured points.

WORKED BY: David Langman

DATE: 11/151999

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 25-4005
Date Received: 9/25/1989
Receipt No: E010784
Received By:

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

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (503)231-6145

USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR USA 97232-4181

2. Date of Priority: 01/11/1888

3. Source: EAGLE CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	43E	23	SE NW NE	BONNEVILLE	

5. Description of diverting works:

HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/15	10/31	10	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
10 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use
----------	-------	---------	----------------	-----

Acres

PROFILED

SCANNED

NOV 01 2004

04S	43E	23	SW	NE	IRRIGATION	25
			SE	NW	IRRIGATION	40
			NW	SE	IRRIGATION	20
					Section Acres	85
					Total Acres	85

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

LOTS 2 AND 3 SOLD TO FISH AND WILDLIFE SERVICE.
* CHANGE OF OWNERSHIP. FATHER (EWART MUIR) PAST AWAY. MRS. MUIR WANTED SON'S
(EWART G MUIR) NAME ON WATER RIGHTS 5/22/94 SC **CHANGE IN OWNERSHIP 7/19/95/JT/PM**

15. Basis of Claim: Statutory Claim

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.

PROFILED

PROFILED
SCANNED

JUL 30 2001

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: A25-04005

Date Received: 9/25/1989

Receipt No: E010784

Received By: _____

COPY FOR
YOUR FILESNOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAWCOPY FOR
YOUR FILES

1. Name: SHARRIE A WRIGHT
Address: 3938 HWY 34
WAYAN ID

208-574-2170

83285

2. Date of Priority: JAN 11, 1888

3. Source: EAGLE CREEK

Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	43E	23	SE	NW	NE		BONNEVILLE

5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/15	10/31	10.000		
STOCKWATER	01/01	12/31	0.050		

7. Total Quantity Appropriated is:

10.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

S/125 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	43E	23	SW	NE		IRR	25.00
			SE	NW		IRR	40.0
			NW	SE		IRR	20.0

MICROFILMED

A25-04005

Page

PROFILED

Date: 07/19/95

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	85.0
					Total Acres	85.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

LOTS 2 AND 3 SOLD TO FISH AND WILDLIFE SERVICE.

*

CHANGE OF OWNERSHIP. FATHER (EWART MUIR) PAST AWAY. MRS. MUIR
WANTED SON'S (EWART G MUIR) NAME ON WATER RIGHTS 5/22/94 SC

CHANGE IN OWNERSHIP 7/19/95/JT/PM

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED

NO. 0 / 1000

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: **A25-04005**
Date Received: 9/25/1989
Receipt No: E010784
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LUELLA MUIR
Address: 116 GRAYS LAKE RD
WAYAN ID

208-574-2475

83285

OR

Name: EWART G MUIR
Address: 55 EAGLE CREEK RD
WAYAN ID

208-574-2233

83285

2. Date of Priority: JAN 11, 1888

3. Source: EAGLE CREEK

Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	43E	23	SE	NW	NE		BONNEVILLE

5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/31	10.000		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/125 HEAD.

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MICROFILMED

NOV 8 / 1990

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	43E	23	SW		NE		IRR	25.0
			SE		NW		IRR	40.0
			NW		SE		IRR	20.0

Section Acres 85.0

Total Acres 85.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

LOTS 2 AND 3 SOLD TO FISH AND WILDLIFE SERVICE.

*

CHANGE OF OWNERSHIP. FATHER (EWART MUIR) PAST AWAY. MRS. MUIR
WANTED SON'S (EWART G MUIR) NAME ON WATER RIGHTS 5/22/94 SC

15. Basis of Claim: STATUTORY CLAIM

PROFILED

MICROFILMED
NOV 07 1990

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: A25-04005
Date Received: 9/25/1989
Receipt No: EQ 0784
Received By: E.W.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EWART MUIR 208-574-2475
Address: 116 GRAYS LAKE RD.
WAYAN, ID 83285
OR
Name: LUELLA MUIR 208-574-2475
Address: 116 GRAYS LAKE RD.
WAYAN, ID 83285
2. Date of Priority: JAN 11, 1888
3. Source: EAGLE CREEK Trib. to: GRAYS LAKE
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 04S | 43E | 23 | SE | NW | NE | | BONNEVILLE |
5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/15 | 10/31 | 10.000 | | |
| STOCKWATER | 01/01 | 12/31 | 0.050 | | |
7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 212.5 Acre Feet Per Annum.
9. Non-irrigation uses:
S/125 HEAD.

A25-04005

Page 1

Date: 09/25/89

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NOV 01 1989

EXHIBIT

A

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	43E	23	SW	NE	IRR	25.0
			SE	NW	IRR	40.0
			NW	SE	IRR	20.0
					Section Acres	85.0
					Total Acres	85.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOTS 2 AND 3 SOLD TO FISH AND WILDLIFE SERVICE.

15. Basis of Claim: STATUTORY CLAIM

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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: 2

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) Ewart Muir Date: 9-25-89

Date: _____

State of Idaho)

County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 25 day
of September 19 89

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994

PROFILED

MICROFILMED
NOV 01 1989

POINT OF DIVERSION

R44E

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4
S

A25-04005

Storage Bins 8

Bridge

BM 6402

Grays Lake
Guard Sta

Bridge