

01/13/2005

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

RIGHT NUMBER: 25-4034B

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: 1.600 CFS

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

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:

T04S R43E S23 NENE Within BONNEVILLE County
T04S R43E S23 NWSWNE Within BONNEVILLE County
T04S R43E S26 NESWNE Injection Within BONNEVILLE County
T04S R43E S26 NESWNE Rediversion Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	03/15 11/15	0.050 CFS
IRRIGATION	05/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T04S R43E S23 NESW 38.0 T04S R43E S23 Lot 4 SWSW 7.0
T04S R43E S23 SESW 35.0

STOCKWATER same as IRRIGATION

80 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 stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Posted Notice

Right No. 25-4034A is also diverted through point of diversion described above as T04S R43E S23 NENE.

Stockwater use is for 200 range cattle.

07/12/2004

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PERIOD OF USE:

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80 ACRES TOTAL

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Stockwater use is for 200 range cattle.

Water Right 25-4034B

PROFILED

SCANNED

NOV 08 2004



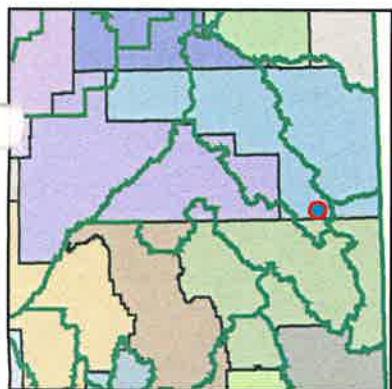
Idaho Department of Water Resources

Adjudication Claim Number: **25-4034 B**

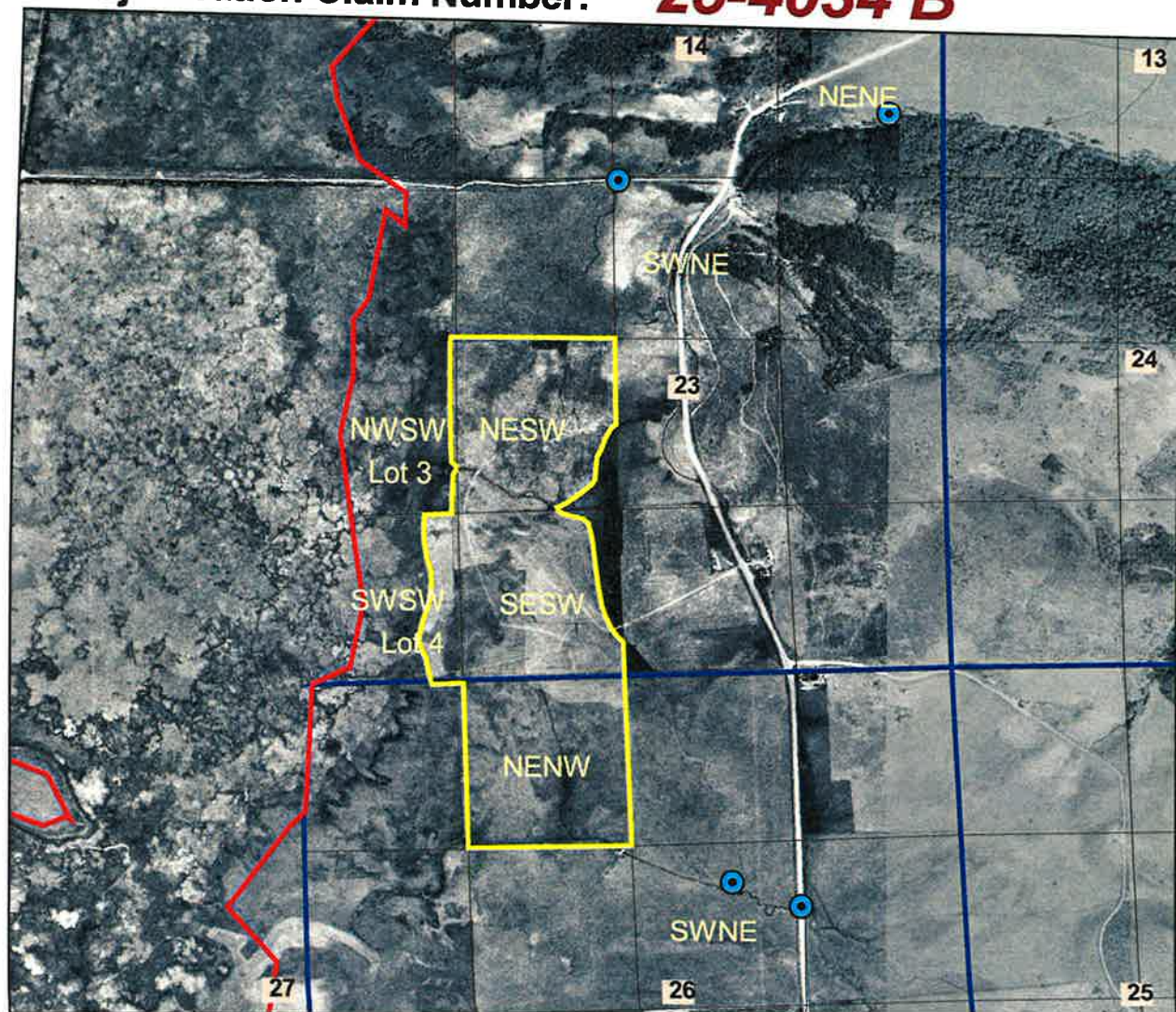
T04S R43E

Legend

- Place of Use
- Point of diversion
- Township/Range
- Sections
- QQ



CARIBOU County
IDWR Basin 25



0 0.6 1.2 Miles

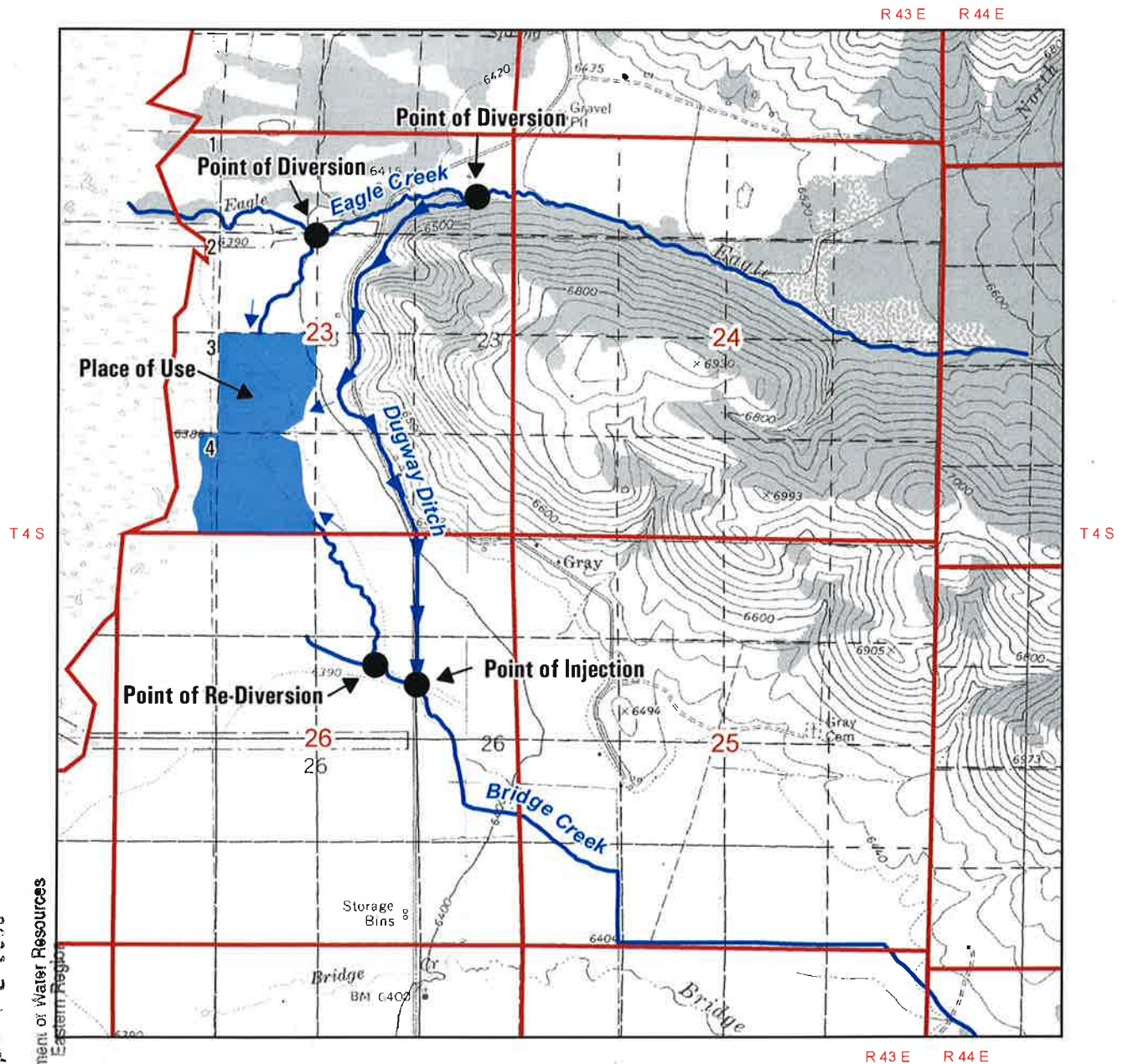
Prepared by E. Carlsen
On Tuesday, December 20, 2005
Digital Orthophoto Quarter Quads



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

Map for Claim Number 25-04034B

SOURCE: EAGLE CREEK
QUANTITY: 1.6 CFS, 0.05 CFS
POINT OF DIVERSION: T04S R43E S23 NWSWNE & NENE
POINT OF INJECTION: T04S R43E S26 NESWNE
POINT OF REDIVERSION: T04S R43E S26 NESWNE
PURPOSE OF USE: IRRIGATION/WILDLIFE, STOCKWATER/WILDLIFE



RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

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.

Claim25-04034B.MXD, 1/10/05

0 0.25 0.5 Miles
0 0.25 0.5 Kilometers
1:24,000 BOISE MERIDIAN

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





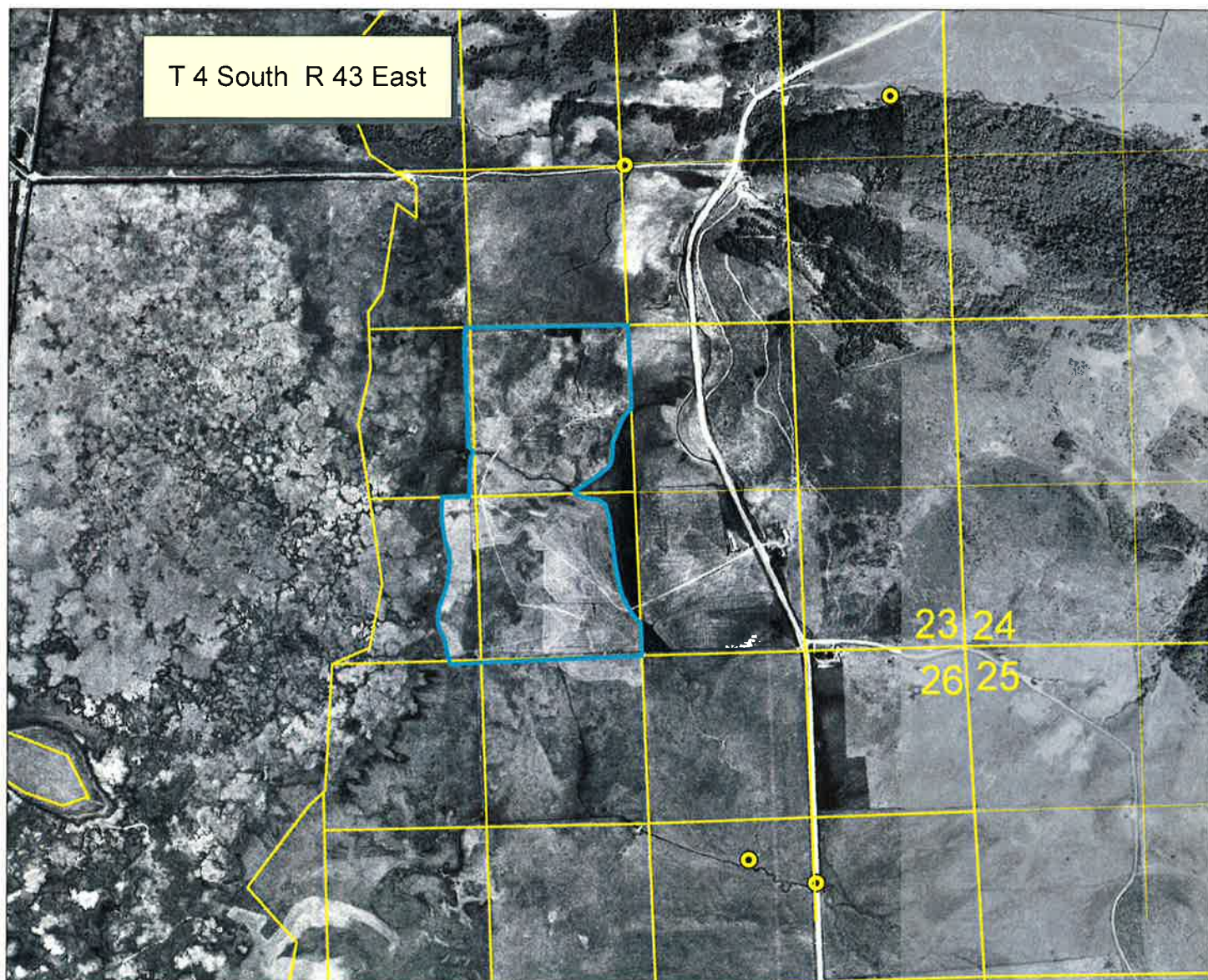
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 25-4034B



1320 0 1320 2640 Feet



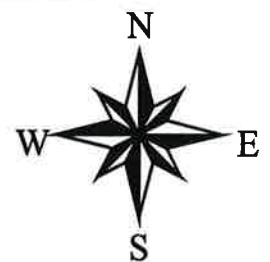
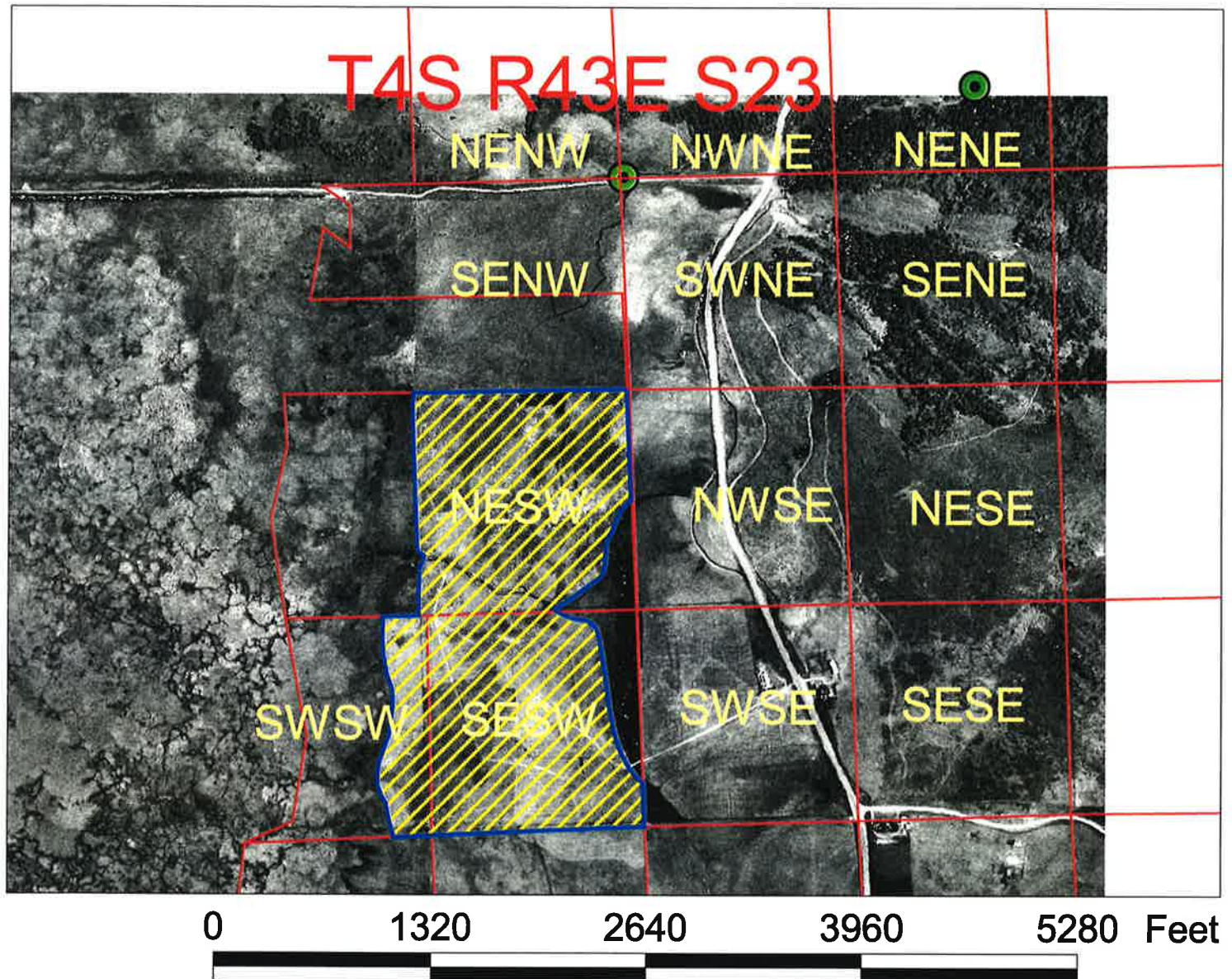
- 25-4034b
- Quarter Quarter
- Point of Diversion

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: January 2005



Department of Water Resources

Claim No.: 25-04034B



Place of Use



GCDB04S43E GCDB



Point of diversion

SCANNED

NOV 08 2006

PROFILED

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: July 2004

25-4034B

swse

SCANNED
NOV 08 2004

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-4034B

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:

Source:
EAGLE CREEK

Tributary:
GRAYS LAKE

Point of injection into and point of redirection from an unnamed stream.

QUANTITY:

1.600 CFS

rate of

Right Nos. 25-4032 and 25-4034B are limited to a total combined diversion

2.40 cfs.

13,000

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

PRIORITY DATE:

05/01/1886

POINT OF DIVERSION:

T04S R43E S23 NENE
Within BONNEVILLE County

T04S R43E S23 NWSWNE
Within BONNEVILLE County

T04S R43E S26 NESWNE Injection
Within BONNEVILLE County

T04S R43E S26 NESWNE Rediversion
Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/31	1.600 CFS
STOCKWATER	03/15 11/15	0.050 CFS

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: IRRIGATION within BONNEVILLE County

T04S R43E S23 NESW 36.0 ~~T04S R43E S23 NESW 38.0~~

T04S R43E S23 Lot 3 NWSW 0.6

T04S R43E S23 Lot 4 SWSW 8.4 ~~T04S R43E S23 Lot 4 SWSW~~

7.0

T04S R43E S23 SESW 35.0

T04S R43E S26 NENW 40.0

STOCKWATER Same As IRRIGATION

120 ACRES TOTAL ~~80 ACRES TOTAL~~

This right is limited to the irrigation of 80 acres within the place of use

described above in

a single irrigation season.

Right Nos. 25-4032 and 25-4034B are limited to the irrigation of a combined

total of 120

acres in a single irrigation season.

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

water

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the

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 stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Posted Notice

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho

Code.

Stockwater use is for 200 range cattle.

Right No. 25-4034A is also diverted through point of diversion described

above as T04S

R43E S23 NENE.

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: 25-4034B

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, Purpose, and Point of Diversion

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

Quantity: Change from "1.600 cfs" to "1.65 cfs."

Purpose: Change from "Stockwater" and "Irrigaton" to "Irrigation/Wildlife" and "Stockwater/Wildlife."

Point of Diversion: In addition to the Points of Diversion, add a "Point of Injection" of T04S R43E S26 NESWNE, and a "Point of Re-diversion of T04S R43E S26 NESWNE.

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 1.65 cfs.

Purpose: The Service adds "Wildlife" as an accomplished change as recognized by I.C.A. 42-1425.

Point of Diversion: The Point of Diversion includes both a Point of Injection and Point of Re-diversion.

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

RECEIVED
JAN 12 2005
Department of Water Resources
Eastern Region



13-782 500 SHEETS, FILLER 5 SQUARE
42-381 50 SHEETS EYE-EASE 5 SQUARE
42-382 100 SHEETS EYE-EASE 5 SQUARE
42-389 200 SHEETS EYE-EASE 5 SQUARE
42-392 100 RECYCLED WHITE 5 SQUARE
42-399 200 RECYCLED WHITE 5 SQUARE

Made in U. S. A.

25-4034B-

Don't can

- Priority - need evidence. - See 25-4034A for
- Source is Eagle Creek. evidence.

25-4034 B.

- Eagle creek - two diversions.
 - injected into Bridge creek & redirected through system covered by 25-4032.
-
- 80 Acres irrigated.

waypt. - 430.

photo of concrete headbox

6/4/2004

Ray Oster says that
water was not included
in sale.

PROFILED

SCANNED

NOV 08 2004

PROFILED

SCANNED

NOV 08 2004

SCANNED

JUL 1 2001

Additional Evidence Supporting this
Beneficial Use Claim is found
in the Declaration of Michael N. Fisher

MICROFILMED

NOV 0 / 1990

eastern

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

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

Index of Fish & Wildlife Service Declarations

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

MICROFILMED

NOV 01 1980

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: A25-04034B
Date Received: 3-25-93
Receipt No.: X11111
Received By: V. Kelly

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6145**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: May 1, 1886
3. Source: South Fork Eagle Creek Trib. to: Grays Lake
4. Point of Diversion:
Township 4S Range 43E Section 23, SE1/4 of NW1/4, B.M.,
County of Bonneville
Additional Points of Diversion: NE1/4 of NE1/4, Sec. 23, T.4 S.,
R.43 E.
5. Description of diverting works: **Earthen diversion and ditch, flood irrigation.**
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. or A.F.A.
Irrigation/Wildlife	Apr.15	Oct.15	3.33
Stock/Wildlife	Mar.15	Nov.15	0.05
7. Total Quantity Claimed is:
3.38 C.F.S. (and/or) A.F.A.
8. Total consumptive use claimed is 200 Acre Feet Per Annum.
9. Non-irrigation uses: 200 head cattle, wildlife

A2504034B



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NOV 0 / 1990

United States of America
Fish and Wildlife Service

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	23	NE	SW	Irr., S&W	40
4S	43E	23	SE	SW	Irr., S&W	40

Total Number of Acres Irrigated 80

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

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

13. Other Water Rights Used: None.

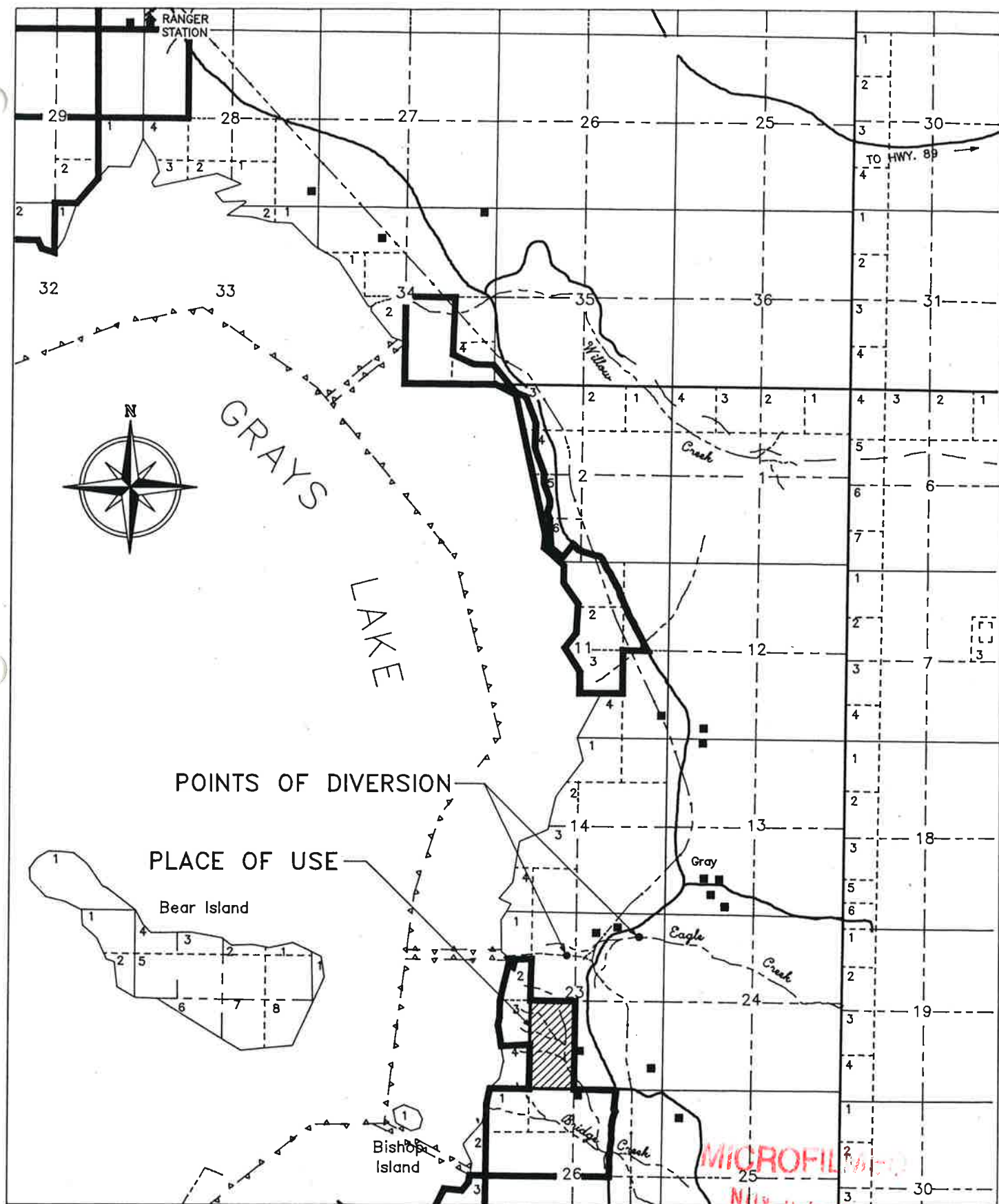
14. Remarks: This claim clarifies and updates Water Right Claim No. 25-4034.

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

15. Basis of Claim (Check one) Beneficial Use X Posted Notice _____
License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number 25-4034
Court _____ Case Number _____ Decree Date _____

R43E

R44E

T
3
ST
3
ST
4
ST
4
S

WATER RIGHT NUMBER 25-4034

