

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

RIGHT NUMBER: 25-14084

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:
BRIDGE CREEK

Tributary:
GRAYS LAKE

QUANTITY:

2.800 CFS

0.020 CFS

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

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

PRIORITY DATE:

06/17/1965

06/17/1966

POINT OF DIVERSION:

T04S R43E S35 NWNW

Within BONNEVILLE County

T04S R43E S35 SENWNW

Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/15

2.800 CFS

STOCKWATER

03/15 11/15

0.020 CFS

01/01 12/31

PLACE OF USE:

IRRIGATION

within BONNEVILLE County

T04S R43E S34 NENE 27.0

T04S R43E S34 NWNE 16.0

T04S R43E S34 SWNE 19.0

T04S R43E S34 SENE 42.0

T04S R43E S34 NESE 22.0

T04S R43E S34 NWSE 4.7

T04S R43E S35 SWNW 9.3

STOCKWATER within

BONNEVILLE County

T04S R43E S34 NENE

T04S R43E S34 NWNE

T04S R43E S34 SWNE

T04S R43E S34 SENE

T04S R43E S34 NESE

T04S R43E S34 NWSE

T04S R43E S35 SWNW

STOCKWATER Same as IRRIGATION

140 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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: 25-14084

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 Purpose

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

Quantity: Change from "0.020 cfs" to "2.82 cfs"

Priority: Change from "06/17/1966" to "06/17/1965"

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

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

Quantity: Historically, water was applied to the subject tract for irrigation as well as stockwater as evident by aerial photography (Attachment C). Since acquiring the property in 1975, the Service has continued the same use. The Service has monitored its diversion to the place of use since 1995 (Attachments C and F). Therefore, 2.80 cfs for irrigation should be included in this claim.

Priority: This appears to be a typographical error and should be changed to reflect the date we presented in our claim.

Purpose: As stated above, water was historically applied to the subject tract for irrigation (2.80 cfs) as well as stockwater (0.02 cfs) and has been managed in the same manner since acquired by the Service in 1980. The Service adds "Wildlife" as an accomplished change as recognized by I.C.A. 42-1425.

____ 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

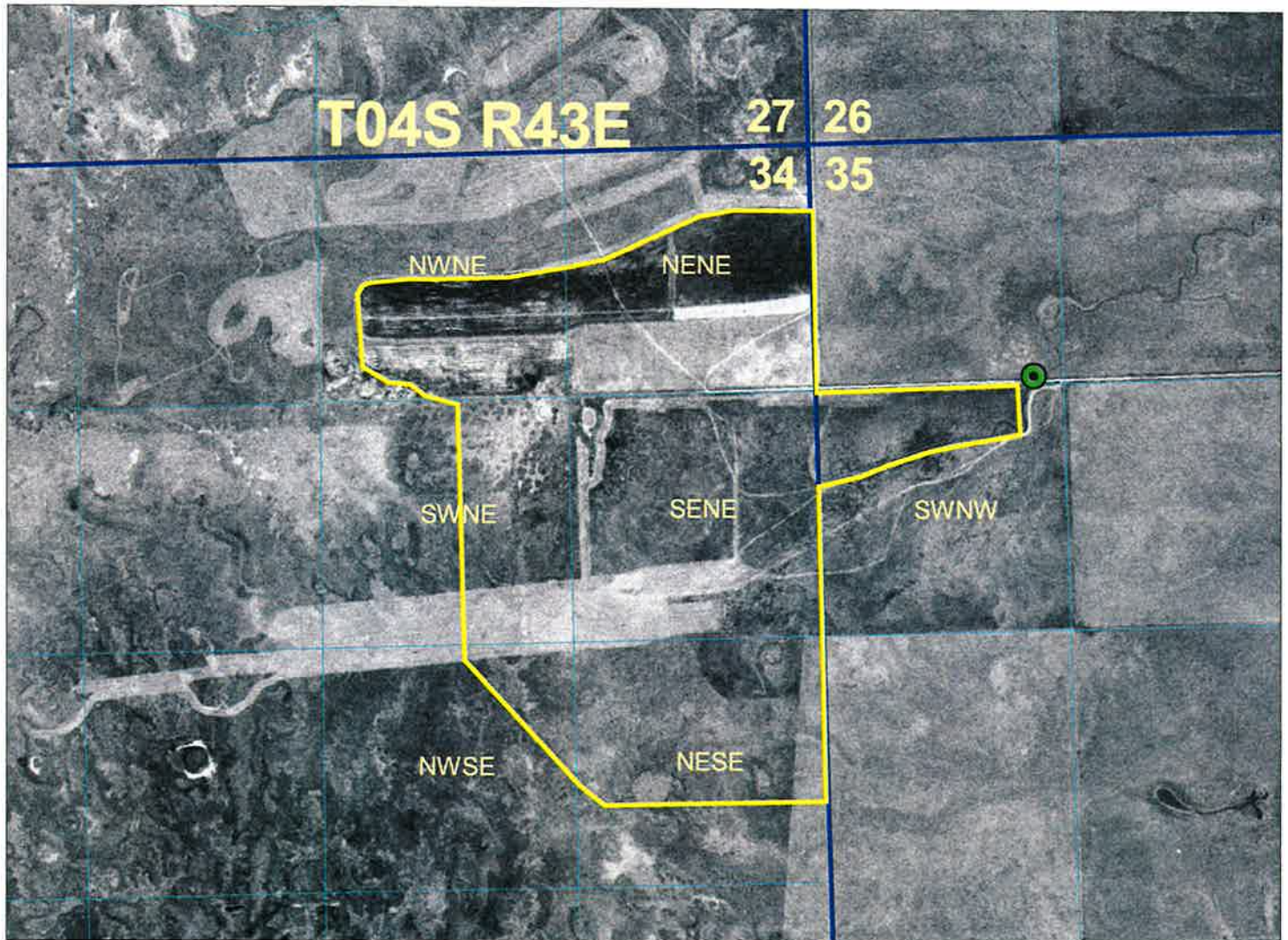


Department of Water Resources

Eastern Region

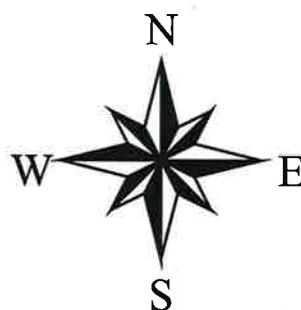


Claim No.: 25-14084



0 660 1320 1980 2640 Feet

- Point of Diversion
- 25-14084
- Sections
- QQ



GIS Place of Use Illustration
1992/93 Orthophoto
Prepared by: Kristin Moore
Date Prepared: September 2005



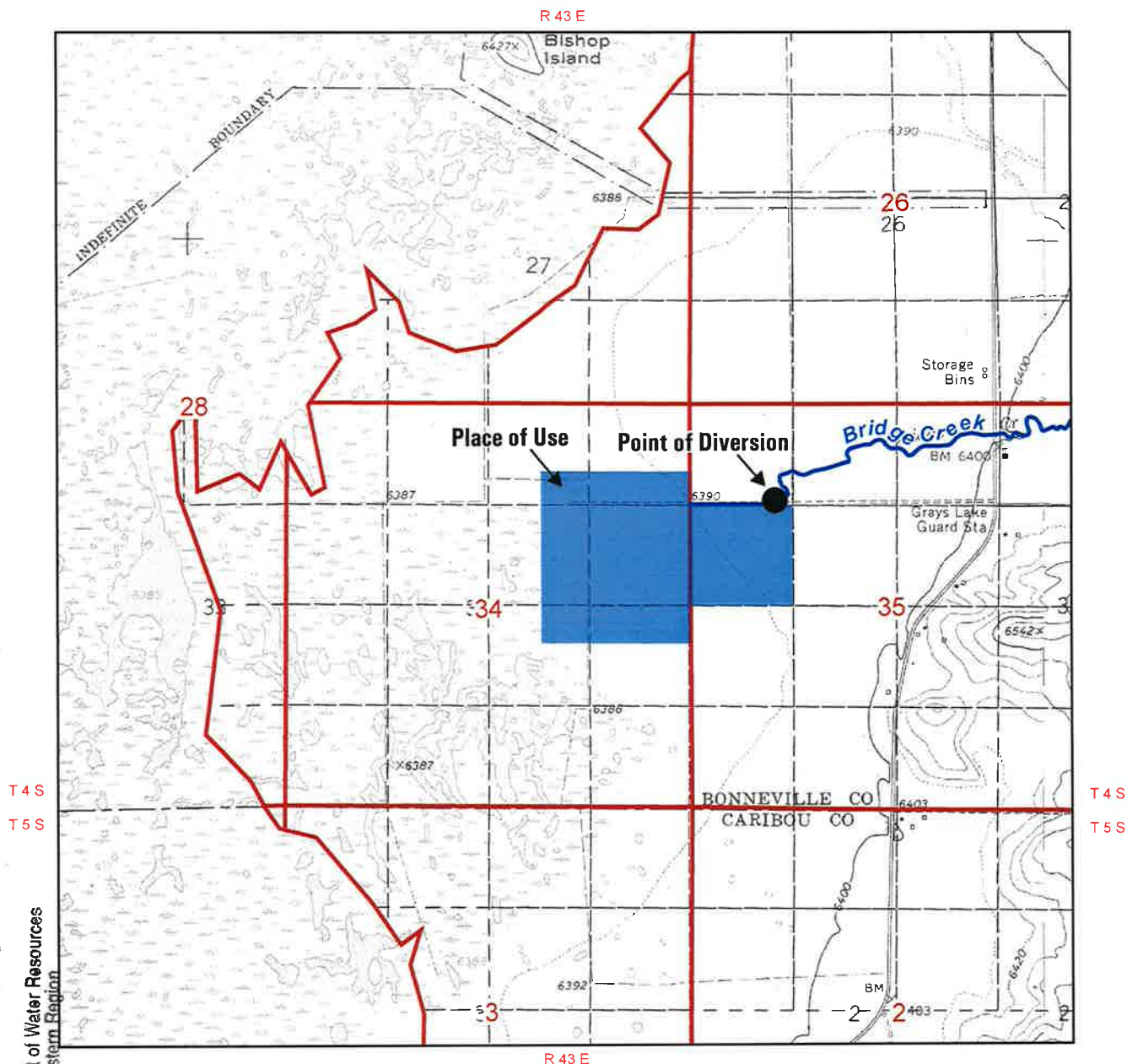
U.S. Fish & Wildlife Service

Grays Lake National Wildlife Refuge

Bonneville County, Idaho

Map for Claim Number 25-14084

SOURCE: BRIDGE CREEK
QUANTITY: 2.8 CFS, 0.02 CFS
POINT OF DIVERSION: T04S R43E S35 NWNW
PURPOSE OF USE: IRRIGATION/WILDLIFE, STOCKWATER/WILDLIFE



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.

Claim25-14084.MXD, 1/10/05

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

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



RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region



Grays Lake National Wildlife Refuge

Bonneville County, Idaho

Department of Water Resources
Eastern Region

January 29, 2004

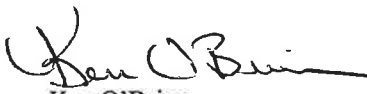
Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

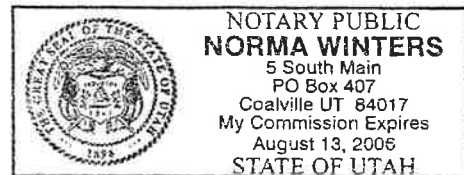
Idaho Department of Water Resources:

In 1982, our family purchased the Tingey Ranch which is now called the OW Ranch Inc. At that time I notified the Department of Water Resources and they confirmed that the ranch stated above was the only ranch that had irrigation rights out of Bridge Creek. OW Ranch has been the only one that irrigated out of Bridge Creek since that time. There is letters from landowners and previous owners on Bridge Creek confirming this in my file. I have shown on Aerial in fared Photo NAPP318123D Dated 1987 to I.D.W.R. clearly showing that the ranchers below O.W. Ranch got their water out of Eagle Creek.

I have never known of the Bird Refuge to ever irrigate anything up until 2003.

Sincerely,

 Pres.
Ken O'Brien
OW Ranch Inc





PROFILED

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

I have lived at Gray's Lake for 82 years. My father homesteaded here on a ranch east of the Tingey Ranch which is now the OW Ranch Inc.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches that irrigated below there irrigated out of Eagle Creek.

I have lived here all my life and have never known of the Bird Refuge to ever irrigate anything up until 2003.


Bernard Lindstrom

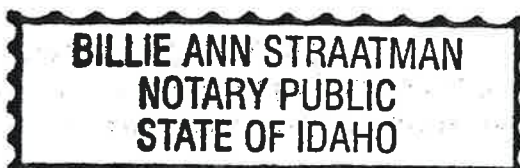
Notary Public

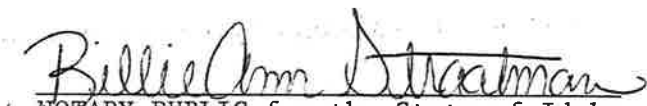
State of Idaho)
 : ss
County of Caribou)

PROFILED

On this 9th day of January, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Bernard Lindstrom, a married man, know to me to be the person whose names 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.




NOTARY PUBLIC for the State of Idaho
Residing at : Grace, Idaho
Commission Expires: 8/25/09

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

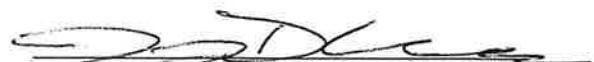
Idaho Department of Water Resources:

I have lived at Gray's Lake for 83 years. My grandfather James Sibbitt SR.
Homesteaded here.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken
O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches
that irrigated below there irrigated out of Eagle Creek. That ditch was built by my
grandfather James Sibbitt SR.

I have lived here all my life and have never known of the Bird Refuge to ever
irrigate anything up until 2003.


Glade Sibbitt


Notary Public my Commission Expires
February 13, 2009

JEREMY D. CLAUNCH
Notary Public
State of Idaho

FILED

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

My family has been in the Gray's Lake Valley ever since ranches were homesteaded here.

My grandfather Perry Tingey owned the ranch that is now the OW Ranch Inc. (owned by the Ken O'Brien family). That ranch was the only one's that irrigated out of Bridge Creek. The only ranches that irrigated below there, irrigated out of ditch that James Sibbitt SR. hand dug to Eagle Creek.

I have stock water out of Bridge Creek, but the Bird Refugee put a head gate in the creek that is impossible to open and has diverted the water away from me and the natural flow.

I have never known of the Bird Refugee to ever irrigate anything up until 2003.


Steve Tingey


Notary Public

PROFILED

Luana Tingey Hood
122 West 3500 South, Bountiful, UT 84010
(801) 292-9015

Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

November 22, 2003

Re: Bridge Creek Tributary Water Rights

Dear Sirs;

I have the following important information in regards to the above referenced water rights for the property now owned by: The **Ken O'Brien** family (**The OW Ranch**):

In 1888, my grandfather, **Perry G. Tingey** (now deceased) **acquired** (from the persons who homesteaded it) **their home ranch/property in Gray, Idaho and used the Bridge Creek Tributary for Stockwater/Agricultural purposes.** My father, **Charles H. Tingey** (now deceased), **purchased the ranch from his father Perry G. Tingey, and owned it until 1974.** The property is now owned by: The Ken O'Brien family, also known as The OW Ranch. Our deeds/records show that the water rights to: Eagle Creek, and Bridge Creek, were included in all sales from that time to present.

It is well known that **from 1888 to 1974, we (Tingey Family) were the only user of irrigation water from Bridge Creek, and maintained all ditches, culverts, and head gates.** My brother Larry Tingey recollects doing much work on those irrigation ditches, "especially in the area of the Linstrom property". The only people who ever irrigated below us were on the old James Sibbett Ranch. They used water from Eagle Creek by way of a ditch hand dug by James Sibbett.

In all the years the Tingey families owned the ranch, **we were never aware of any irrigating related to the Bridge Creek nor Eagle Creek tributaries done by the Bird Refuge employees, nor was there ever a question of Water Rights ownership.**

Please feel free to contact me with any further questions regarding the property and/or Water Rights on the property formerly owned by the Perry G. Tingey and/or the Charles H. Tingey family.

Sincerely,

Luana Tingey Hood

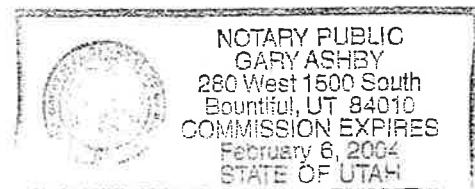
Luana Tingey Hood, Representative
Charles Tingey Family Estate

PROFILED

Cc: Mr. Ken O'Brien, The OW Ranch
LHT/lhc

Notary Public Signature and stamp below:

[Signature]



November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

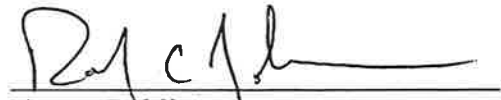
Idaho Department of Water Resources:

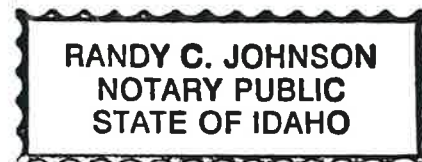
I have lived at Gray's Lake for 88 years. My grandfather James Sibbitt SR.
Homesteaded here.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken
O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches
that irrigated below there irrigated out of Eagle Creek. That ditch was built by my
grandfather James Sibbitt SR.

I have lived here all my life and have never known of the Bird Refuge to ever
irrigate anything up until 2003.


Russell Sibbitt


Notary Public



PROFILED

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

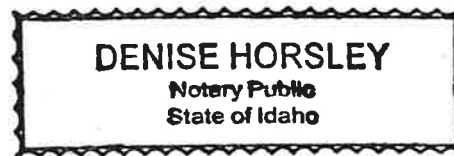
Idaho Department of Water Resources:

My grandfather Homesteaded in the Grays Lake Valley. My father purchased his ranch, and I purchased part of my fathers ranch. We have stock water in Bridge Creek above and below the old Charlie Tingey ranch which is now the OW Ranch Inc. owned by the Ken O'Brien family. That ranch (OW ranch) is the only ranch that has irrigated out of Bridge Creek. The ranches below our place irrigated out of Eagle Creek. A ditch that James Sibbitt SR. hand dug to Eagle Creek.

I have lived here all my life and have never known of the Bird Refuge to ever irrigate anything up until 2003.

Brian Muir
Brian Muir

Denise Horsley
Notary Public



PROFILED

12-29-05

AFFIDAVIT OF STEVE TINGEY

I am writing this letter in regards to the history of Bridge Creek that flows through my ranch and the ground that our family sold to the U.S. Fish and Wildlife Service (Tingey Field).

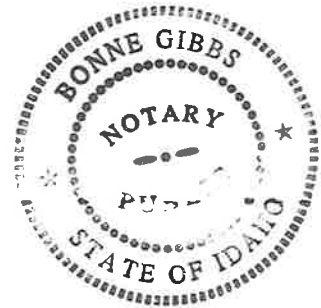
I have read the affidavit of the employee of the U.S.F.W.S. and they state that the Tingey field was irrigated by the previous owner. My family is the previous owner, and that is not a true statement. I have visited with my older brother Gary Tingey, and we both agree that it was never watered by our family.

The only ranch that diverted Bridge Creek for irrigation was my uncle Charles Tingey ranch, which is now the OW Ranch as I stated in a letter to the Idaho Department of Water Resources dated January 10, 2005.

I am willing to testify in court if needed.

Steve Tingey
Steve Tingey

Bonne Gibbs
Notary Republic



D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

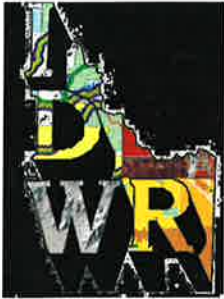
1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.80 cfs for irrigation and 0.02 cfs for stockwater outside the irrigation season.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Stockwater (4/15-11/15) and Irrigation (4/15-10/15)
8. ☒ **Period of Year**
Should be: 4/15-11/15 (Stockwater) and 4/15-10/15 (Irrigation)
9. ☒ **Place of Use**
Should be: STOCKWATER Within BONNEVILLE County

<u>T04S R43E S34 NENE</u>	<u>T04S R43E S34 NWNE</u>
<u>T04S R43E S34 SWNE</u>	<u>T04S R43E S34 SENE</u>
<u>T04S R43E S34 NESE</u>	<u>T04S R43E S34 NWSE</u>
<u>T04S R43E S35 SWNW</u>	

IRRIGATION Within BONNEVILLE County

<u>T04S R43E S34 NENE</u>	<u>13</u>	<u>T04S R43E S34 NWNE</u>	<u>7</u>
<u>T04S R43E S34 SWNE</u>	<u>20</u>	<u>T04S R43E S34 SENE</u>	<u>40</u>
<u>T04S R43E S34 NESE</u>	<u>13</u>	<u>T04S R43E S34 NWSE</u>	<u>7</u>
<u>T04S R43E S35 SWNW</u>	<u>40</u>		
<u>140.0 ACRES TOTAL</u>			
10. ☐ **I object because:**
☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): This water right should be decreed for 2.80 c.f.s. for the irrigation of 140 acres, as well as 0.02 c.f.s. for stock water outside the irrigation season. Quantity: The Director's Report (DR) did not include the rate associated with the 140 irrigated acres associated with this claim. For 140 acres at 0.02 cfs per acre, the rate should be 2.80 cfs. Purpose of Use: This water right has historically been used for irrigation purposes on the identified acres, and Irrigation should be a included as a Purpose of Use. See Affidavit of Michael N. Fisher attached hereto. Period of Year: The DR did not include a Period of Year for the irrigation portion of the claim. The Refuge irrigates between 4/15 and 10/15 yearly. Place of Use: The DR omitted the legal description of the 140.0 acres irrigated under this claim. The place of use described above should be included in the water right.



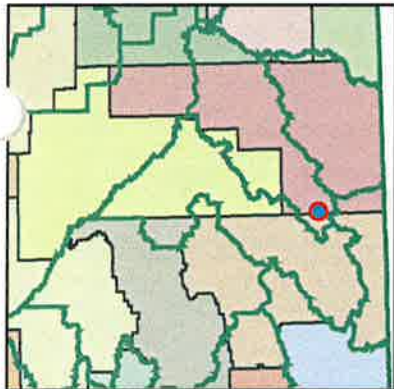
Idaho Department of Water Resources

Adjudication Claim Number: **25-14084**

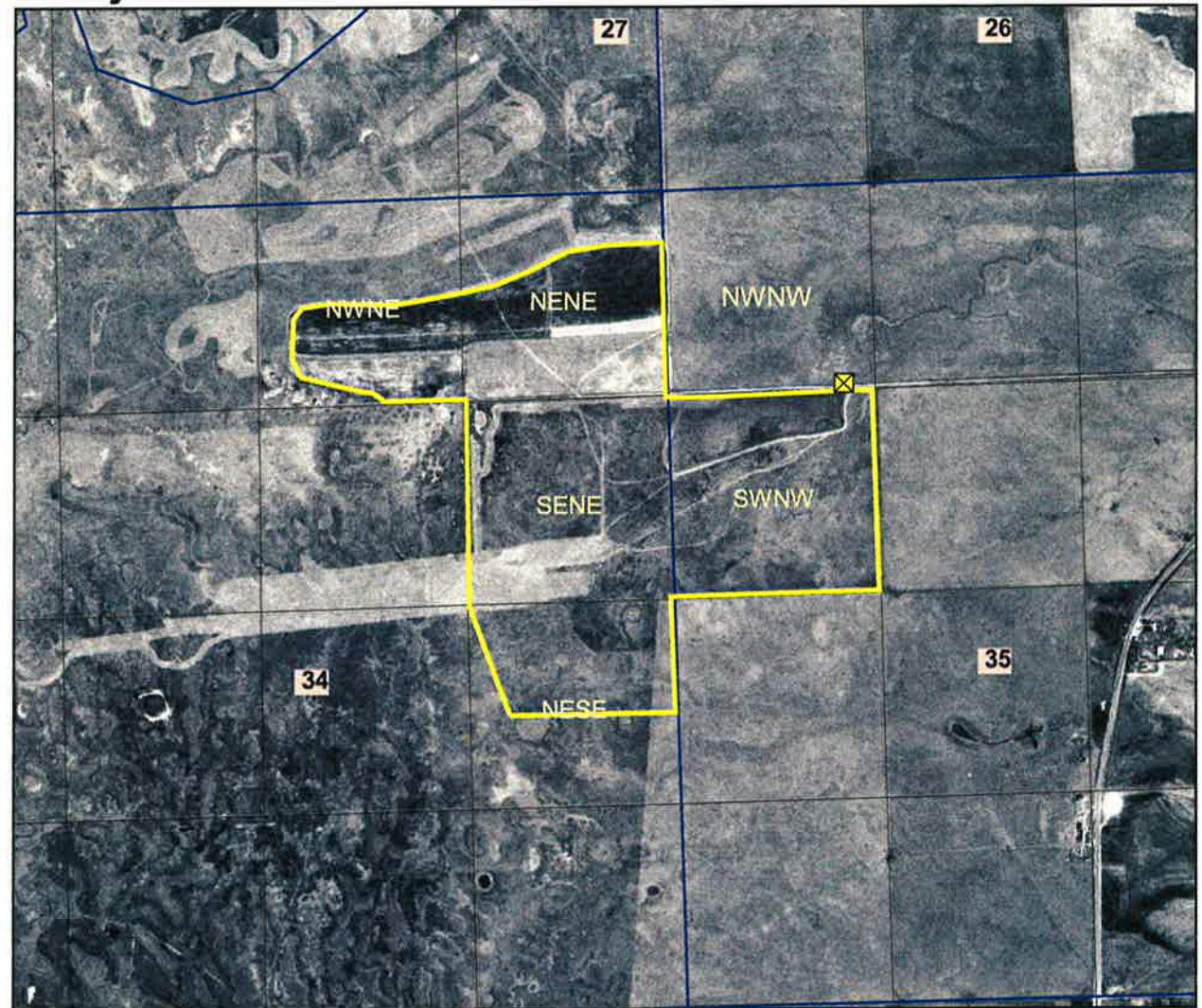
T04S R43E

Legend

- Point of diversion.shp
- 25-14084.shp
- Sections
- QQ



CARIBOU County
IDWR Basin 25



0 900 1800 2700 3600 Feet

Prepared by E. Carlsen
On Wednesday, December 28, 2005
Digital Orthophoto Quarter Quads

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

A handwritten signature in cursive script that reads "Ray Ostler". The signature is written in dark ink and is positioned below the printed name.

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:

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

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

RECEIVED
JAN 12 2005
Department of Water Resources
Eastern Region

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., R.43E., 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.

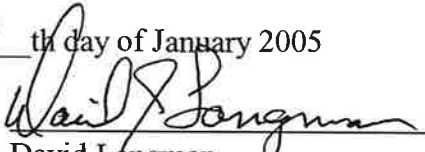
CLAIM:A25-14084

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 in 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

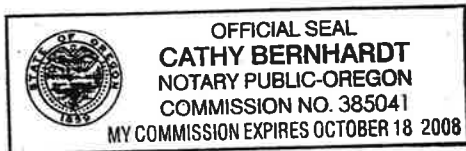

David Langman

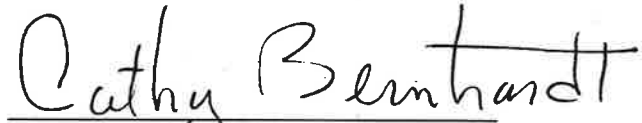
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

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

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

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:

Tract 41a

Previous Owner: Ostler

Claim Number 14084

Bridge and Eagle Creeks

Land Warranty Deed

UNITED STATES GOVERNMENT

BUREAU OF SPORT FISHERIES AND WILDLIFE
P.O. BOX 3737 PORTLAND, OREGON 97208**Memorandum**

TO : Refuge Manager, Grays Lake NWR

DATE: April 25, 1973

*Acting*FROM : Regional Supervisor, Division of Refuges
Portland, OregonLA-Idaho
Grays Lake NWR
Ostler, Ray H. (41a)

SUBJECT: Transmittal of Documents

This will inform you that title to the Raymond H. Ostler tract (41a), Grays Lake National Wildlife Refuge, has been conveyed to the United States and that payment was made for this land on April 4, 1973.

You are hereby charged with custody of this land and accordingly instructed to protect it, together with any improvements thereon, as a part of the unit, effective immediately. The acquisition of this land is subject to any exceptions or reservations set out in the deed. You should review the deed carefully so that no misunderstandings will occur with the grantors.

In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), we will take possession of this land 90 days after payment is received by the landowner or at the expiration of the use reservation, whichever is later.

Attached for your files are copies of the Certificate of Occupancy, tract map and warranty deed.

The land is now a part of the national wildlife refuge system and should be posted and administered accordingly.

A copy of the final opinion will be forwarded when received.

Edward J. Smith

for Edward J. Smith

Enclosures

Mgr. _____
Asst. _____
Clerk _____
Minico _____



hand-warranty Deed

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Sport Fisheries and Wildlife

Certificate of Occupancy

Grays Lake NWR

Bonneville County, Idaho

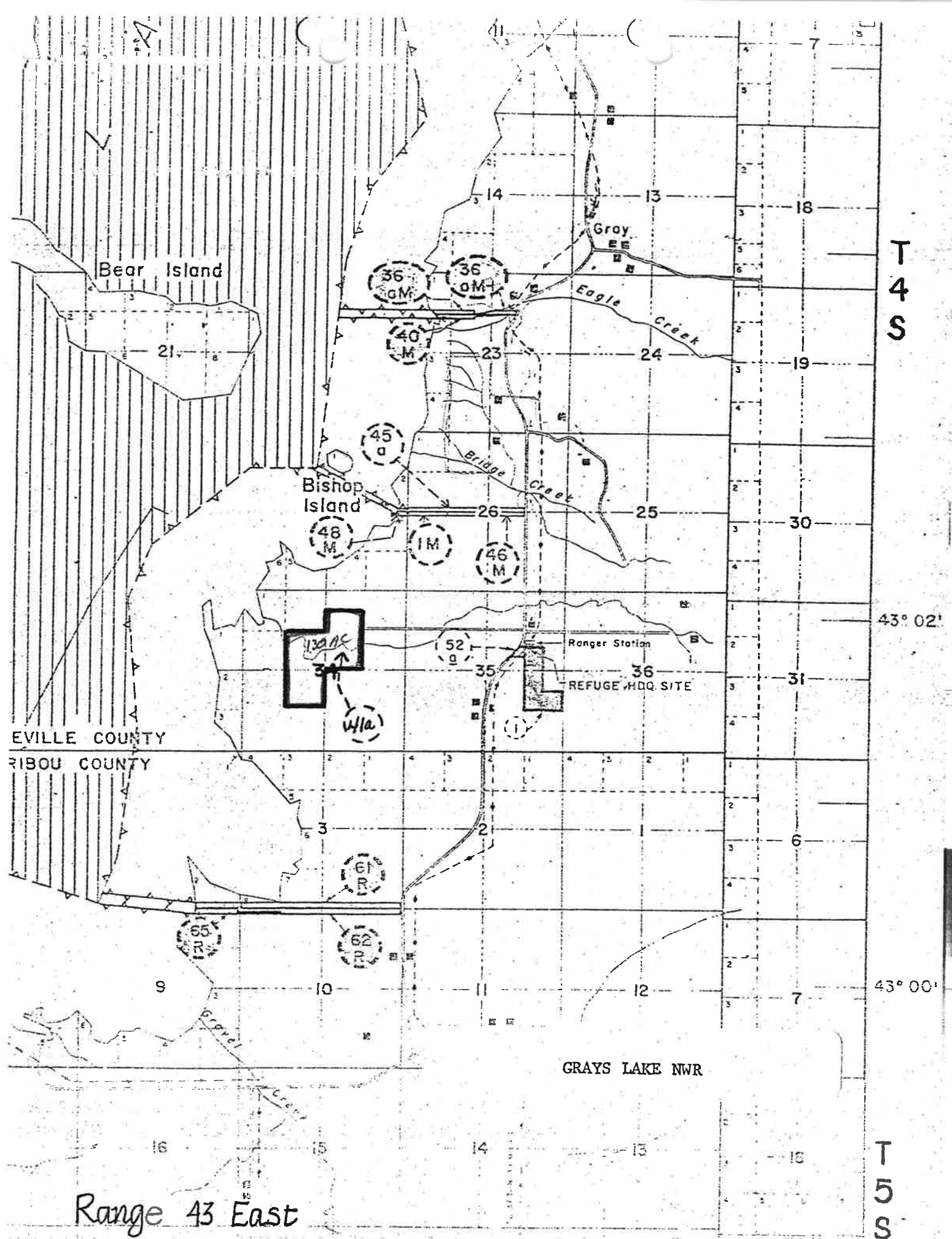
I HEREBY CERTIFY that on August 2, 1972, I, Robert L. Miller, a Realty Specialist, of the Department of the Interior, made a personal inspection of the Raymond H. Ostler tract (41a) as shown on the attached map and found evidence of present or past occupancy and use as indicated below:

The tract is fenced.

Upon this tract no recent structure, improvements, building material recently furnished or labor done was found out of which a mechanic's lien or material man's lien might arise.

10/31/72
Date

Robert L. Miller
Realty Specialist



4 4 5 7 6 9

APR 9 1 30 PM '73

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That RAYMOND H. OSTLER and VONEAL I. OSTLER, his wife, for and in the consideration of the sum of Twenty One Thousand and No/100 Dollars (\$21,000.00), to them in hand paid by the United States of America, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto said UNITED STATES OF AMERICA and its assigns, the real estate situate in the County of Bonneville, State of Idaho, described as follows:

T. 4 S., R. 43 E., B.M.

Section 34, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, and
the south 20 rods of the NW1/4NE1/4.

Together with all water, water rights, water appropriations, ditches, ditch rights-of-way and ditch rights as heretofore used and enjoyed in connection with the above described lands, and all other rights and appurtenances thereunto belonging or in anywise pertaining.

RESERVING UNTO THE GRANTORS, Their successors and assigns:

1. Use of the land for agricultural purposes only until December 31, 1973.

SUBJECT TO:

1. Rights as reserved by the United States in the Patent.
2. Rights-of-way as constructed and/or of record.

The above described lands are acquired for administration by the Secretary of the Interior through the United States Fish and Wildlife Service.

The use, occupation, and operation of any rights-of-way, easements, and reservations retained herein, shall be subordinate to and subject to such rules and regulations as may be prescribed by the Secretary of the Interior governing the use, occupation, protection, and administration of land within the National Wildlife Refuge system under and in compliance with the provisions of Section 6 of the Act of February 18, 1929 (45 Stat. 1222), as amended by Section 301 of the Act of June 15, 1935 (49 Stat. 381).

TO HAVE AND TO HOLD the above described property unto the United States of America and its assigns in fee simple forever.

The Grantors aforesaid do hereby covenant with the United States of America that they will forever warrant and defend the title to the above described lands against all lawful claims whatsoever and that the same are free and clear of all liens and encumbrances, except as herein stated.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands
this 4th day of April, 19 73.

Raymond H. Ostler
Raymond H. Ostler

Voneal I. Ostler
Voneal I. Ostler

ACKNOWLEDGMENT

STATE OF Idaho)
COUNTY OF Caribou) ss

On this 4th day of April, A.D. 19 73, before
me, the undersigned, a Notary Public in and for the State of Idaho,
duly commissioned and sworn, personally appeared Raymond H. Ostler
Voneal I. Ostler to me known to be the individuals described
in and who executed the foregoing instrument, and acknowledged to me that they
signed and sealed the said instrument as their free and voluntary act and deed
for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in
this certificate above written.



Margaret D. Weston
Notary Public in and for the State of

Idaho residing at Idaho Springs

My Commission Expires 1-5-75

Tract 53a and b
Previous Owner: Peterson
Claim Number 14084
Bridge Creek

RECEIVED
JAN 12 2005
Department of Water Resources
Eastern Region

UNITED STATES GOVERNMENT

Memorandum

FISH AND WILDLIFE SERVICE
P.O. BOX 3737 PORTLAND, OREGON 97208

✓ Mgr. R
✓ Asst.
✓ Asst.
✓ Asst.
✓ Asst.

TO : Refuge Manager
Grays Lake NWR

FROM : Regional Supervisor, Division of Refuges
Portland, OR

SUBJECT: Transmittal of Documents

DATE: January 21, 1976

LA-Idaho
Grays Lake NWR
Petersen, Warren (53a)

Title to the above designated tract has been conveyed to the United States, and payment was made on January 6, 1976. The land is now part of the National Wildlife Refuge System and should be posted and administered accordingly.

Effective immediately, you are charged with custody and protection of this land, together with any improvements. Acquisition of the property is subject to any exceptions or reservations set out in the deed and Certificate of Rights-of-Way, Easements and Reservations. We are sending copies of these documents, plus a tract map, for your files. Please review them carefully so that no misunderstandings will occur.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the grantors will be provided with a written notice to vacate beginning October 3, 1976. Their agricultural use reservation expires on January 1, 1977. They will have until then to remove their personal property.

A copy of the final opinion will be forwarded when received.

Edward J. Smith

Attachments





United States Department of the Interior

FISH AND WILDLIFE SERVICE

1500 N.E. IRVING STREET
P.O. BOX 3737
PORTLAND, OREGON 97208

CERTIFICATE AS TO RIGHTS-OF-WAY, EASEMENTS AND RESERVATIONS

WHEREAS, the United States of America is about to acquire title to:

The Warren O. Petersen Tract (53a), Grays Lake National Wildlife Refuge, situate in Bonneville County, State of Idaho, under authority of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), and amendments thereto, for use in the conservation of migratory birds and

WHEREAS, it appears from the Preliminary Certificate of Title and from evidence on the ground and in order to acquire said land by purchase it is necessary to acquire same, subject to certain rights-of-way, easements, and reservations, and

WHEREAS, the said rights-of-way, easements, and reservations of record are:

None.

WHEREAS, the said rights-of-way and easements not of public record are:

1. Grantors' reservation of the land for agricultural purposes until January 1, 1977.

2. Unrecorded lease between the Grantors and Joyce Wells which expires January 1, 1977.

WHEREAS, the said lands are to be acquired subject to said rights-of-way, easements, and reservations;

NOW, THEREFORE, I do hereby certify pursuant to and in accordance with the provisions of the resolution of the Migratory Bird Conservation



THIS IS A TRUE COPY OF THE ORIGINAL *Mary H. Peterson*

Save Energy and You Serve America!

Commission approved at its meeting on June 14, 1938, that in my opinion the said rights-of-way, easements, and reservations, from their nature, will not impair the value of or interfere with the use of the area so encumbered for the purposes for which the said land is being acquired.

9/2/75
Date

William H. Meyer
Acting Regional Director

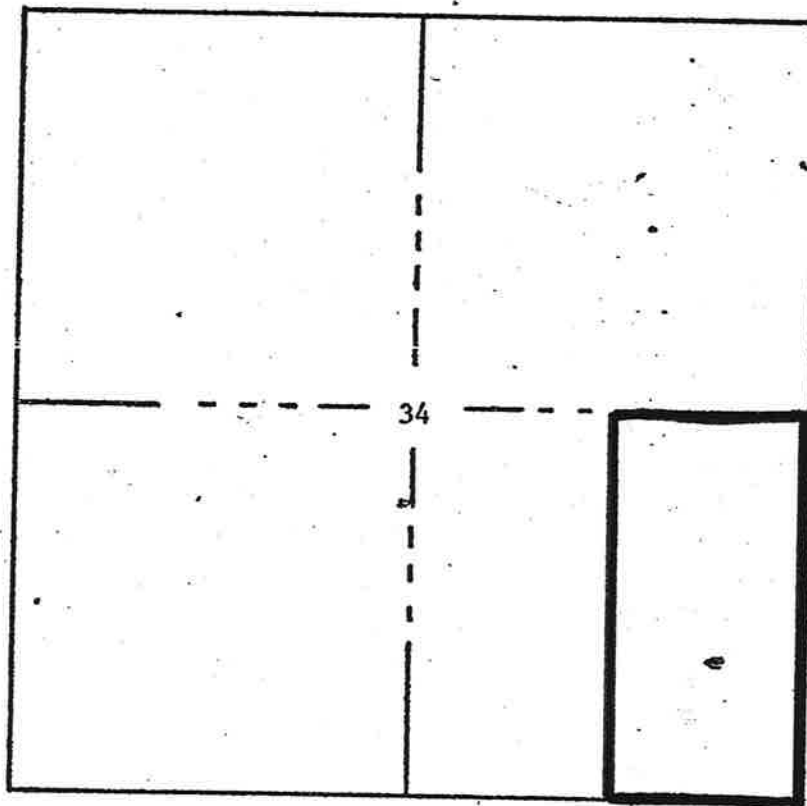
United States Department of the Interior
Fish and Wildlife Service
Bureau of Sport Fisheries and Wildlife
Division of Realty

TRACT: Petersen, Warren O.
UNIT: Grays Lake NWR

TRACT NO: 53a
COUNTY: Bonneville

80 ACRES
STATE OF: Idaho

DESCRIPTION: T. 4 S., R. 43 E., B.M.
section 34, E₁SE₁



Scale: 4 inches = 1 mile

Prepared by: _____

13,750

490162

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That WARREN OTTO PETERSEN and SOPHIE KATHERINE PETERSEN, his wife, hereinafter called Grantors, for and in consideration of the sum of Twenty-Six Thousand and No/100 Dollars (\$26,000.00), which sum is the true consideration for this transfer, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA and its assigns, all of the real property with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, situated in the County of Bonneville, State of Idaho, to-wit:

T. 4 S., R. 43 E., Boise Meridian

Section 34, E1/2SE1/4.

Together with all water, water rights, water appropriations, ditches, ditch rights-of-way and ditch rights as heretofore used and enjoyed in connection with the above described lands.

RESERVING UNTO THE GRANTORS, Their successors and assigns use of the land for agricultural purposes until January 1, 1977.

The above land is acquired by the United States for the use of Fish and Wildlife Service, Department of the Interior, pursuant to Section 6 of the Act of February 18, 1929 (45 Stat. 1222), as amended by Section 301 of the Act of June 15, 1935 (49 Stat. 381) and the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

To Have and To Hold the above described premises to the United States of America and its assigns, forever.

The Grantors hereby covenant to and with the United States and its assigns, that Grantors are lawfully seized in fee simple of the above granted premises, have a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances and that Grantors will warrant and forever defend the title thereto and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 6th day of JANUARY, 19 76.

Warren Otto Petersen
Warren Otto Petersen

Sophie Katherine Petersen
Sophie Katherine Petersen

Page 1 of 2 Pages
Petersen, Warren (53a)
WARRANTY DEED

THIS IS A TRUE COPY OF THE ORIGINAL Mary H. Peterson

ACKNOWLEDGMENT

STATE OF Utah)
County of Box Elder) ss

On this 6TH day of Jan, 1976, before me the undersigned, a Notary Public in and for the State of Utah, duly commissioned and sworn personally appeared Warren Otto Petersen and Sophie Katherine Petersen, his wife, known to me to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Norman S. Hunsaker
Notary Public in and for the State of Utah

UNITED STATES GOVERNMENT

Memorandum

FISH AND WILDLIFE SERVICE
P.O. BOX 3737 PORTLAND, OREGON 97208

ARW-RE

TO : Manager, Grays Lake NWR

DATE: January 21, 1977

FROM : Assistant Regional Director, FWS
Portland, OregonLA-Idaho
Grays Lake NWR
Petersen, Warren (53b)

SUBJECT: Transmittal of Documents

Title to the above designated tract has been conveyed to the United States, and payment was made on January 3, 1977. The land is now part of the National Wildlife Refuge System and should be posted and administered accordingly.

Effective immediately, you are charged with custody and protection of this land, together with any improvements. Acquisition of the property is subject to any exceptions or reservations set out in the deed and Certificate as to Rights-of-Way, Easements and Reservations. We are sending copies of these documents, plus tract map, for your files. Please review them carefully so that no misunderstandings will occur.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Grantors will be provided with a written notice to vacate. A copy of this notice will also be sent to you.

A copy of the final opinion will be forwarded when received.

✓	Asst. Dir.
✓	Asst. Dir.
✓	Clerk
✓	Mtnce
✓	Mtnce
✓	Mtnce

Attachments

James W. DeFate

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That WARREN OTTO PETERSEN and SOPHIE KATHERINE PETERSEN, his wife, hereinafter called Grantors, for and in consideration of the sum of Twenty-Six Thousand and No/100 Dollars (\$26,000.00), which sum is the true consideration for this transfer, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA and its assigns, all of 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:

T. 4 S., R. 43 E., Boise Meridian
section 35, W1/2SW1/4.

Together with all water, water rights, water appropriations, ditches, ditch rights-of-way and ditch rights as heretofore used and enjoyed in connection with the above described lands.

To Have and To Hold the above described premises to the United States of America and its assigns, forever.

The Grantors hereby covenant to and with the United States and its assigns, that Grantors are lawfully seized in fee simple of the above granted premises, have a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances and that Grantors will warrant and forever defend the title thereto and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 34 day of January, 1977.

Warren Otto Petersen
Warren Otto Petersen

Sophie Katherine Petersen
Sophie Katherine Petersen

ACKNOWLEDGMENT

STATE OF Utah ss
County of Boise

On this 3rd day of Jan, 1977, before me the undersigned, a Notary Public in and for the State of Utah, duly commissioned and sworn personally appeared Warren Otto Petersen and Sophie Katherine Petersen, his wife, known to me to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

STATE OF IDAHO
County of Bonneville

I hereby certify that the within in-
was recorded & not collated

1-4-77 100
JAN 4 2 10 PM '77
G. Bowman

Norman S. Kinscher
Notary Public in and for the State of
Utah residing at Boise
My Commission Expires: MY COMMISSION EXPIRES 5/23/78

Betty Pearson
THIS IS A TRUE COPY OF THE ORIGINAL



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1500 N.E. IRVING STREET

P.O. BOX 3737

PORTLAND, OREGON 97208

CERTIFICATE AS TO RIGHTS-OF-WAY, EASEMENTS AND RESERVATIONS

WHEREAS, the United States of America is about to acquire title to:

The Warren O. Petersen Tract (53b), Grays Lake National Wildlife Refuge, situate in Bonneville County, State of Idaho, under authority of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), and amendments thereto, for use in the conservation of migratory birds and

WHEREAS, it appears from the Preliminary Certificate of Title and from evidence on the ground and in order to acquire said land by purchase it is necessary to acquire same, subject to certain rights-of-way, easements, and reservations, and

WHEREAS, the said rights-of-way, easements, and reservations of record are:

None.

WHEREAS, the said rights-of-way and easements not of public record are:

1. Grantors' reservation of the land for agricultural purposes until January 1, 1977.
2. Unrecorded lease between the Grantors and Joyce Wells which expires January 1, 1977.

WHEREAS, the said lands are to be acquired subject to said rights-of-way, easements, and reservations;

NOW, THEREFORE, I do hereby certify pursuant to and in accordance with the provisions of the resolution of the Migratory Bird Conservation



Save Energy and You Serve America!

Commission approved at its meeting on June 14, 1938, that in my opinion the said rights-of-way, easements, and reservations, from their nature, will not impair the value of or interfere with the use of the area so encumbered for the purposes for which the said land is being acquired.

SEP 10 1975

Date

Acting

Donald J. Hankla
Regional Director

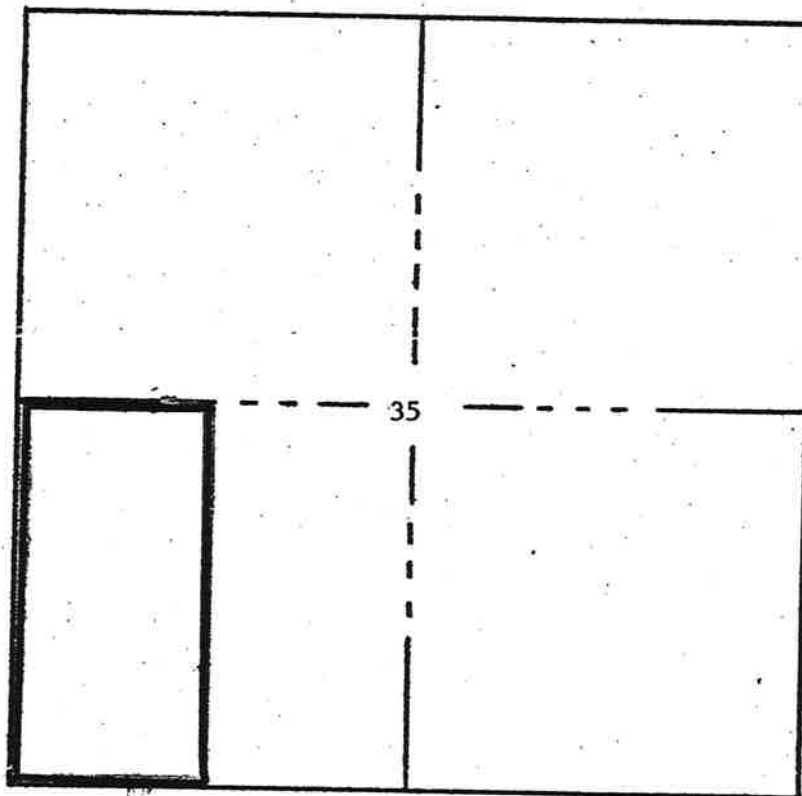
United States Department of the Interior
Fish and Wildlife Service
Bureau of Sport Fisheries and Wildlife
Division of Realty

TRACT: Petersen, Warren O.
UNIT: Grays Lake NWR

TRACT NO: 53b
COUNTY: Bonneville

80 ACRES
STATE OF: Idaho

DESCRIPTION: T. 4 S., R. 43 E., B.M.
section 35, W $\frac{1}{2}$ SW $\frac{1}{4}$



Scale: 4 inches = 1 mile

Prepared by: _____

Make file for
with

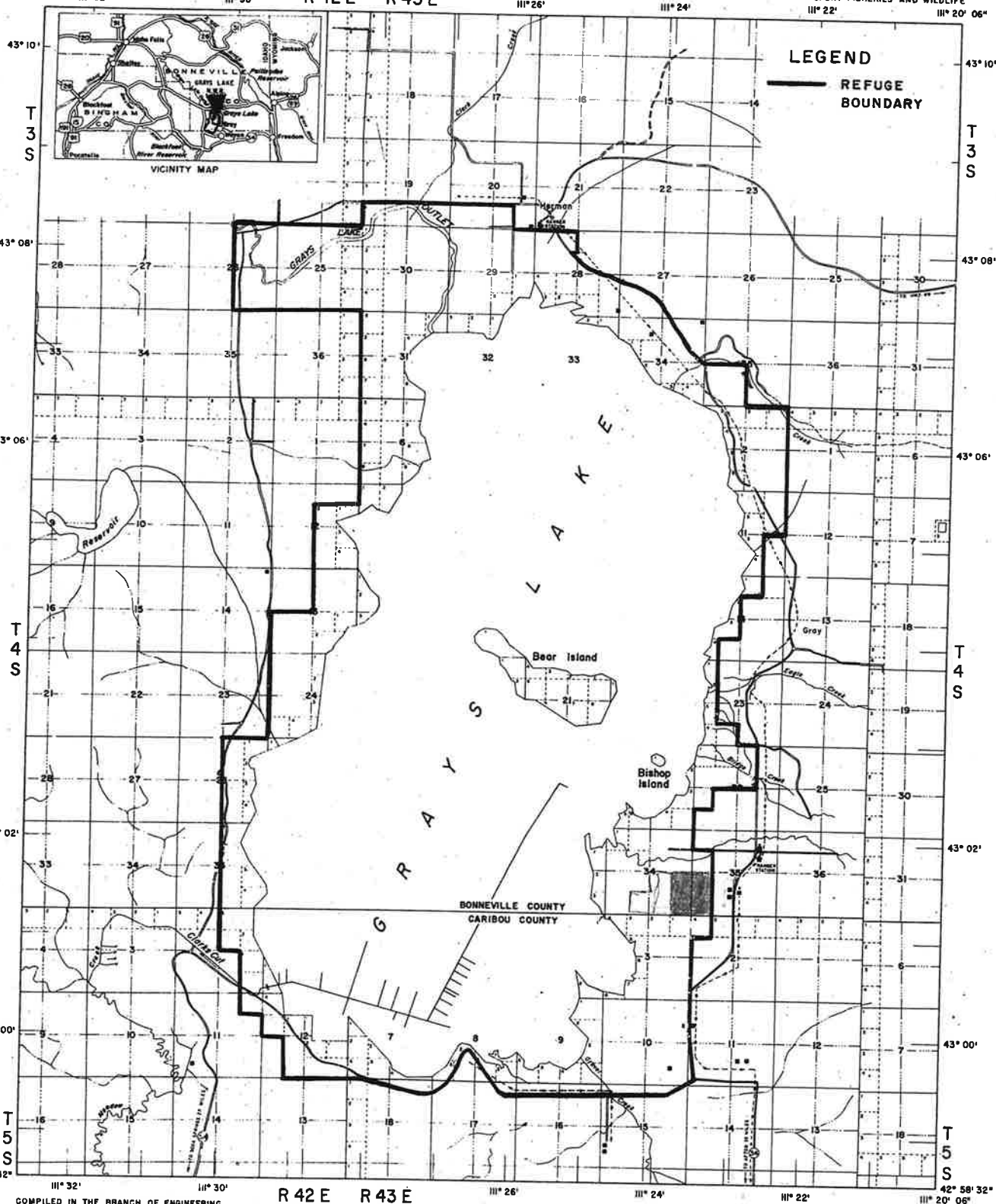
GRAYS LAKE NATIONAL WILDLIFE REFUGE

BONNEVILLE AND CARIBOU COUNTIES, IDAHO

UNITED STATES
DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

R 42 E R 43 E



COMPILED IN THE BRANCH OF ENGINEERING
FROM SURVEYS BY G.L.O., U.S.B.I.A., U.S.G.S.
AND F.W.S.

PORTLAND, OREGON
JULY 1975

R 42 E R 43 E

BOISE MERIDIAN

Scale 0 10 20 40 60 80 100 120 140 160 180 200 220 240 CHAINS
0 1/4 1/2 3/4 1 MILES



TOWNSHIP
DIAGRAM



MEAN
DECLINATION
1965

WATER LOCATION

—OF—

Edmond Lewis Etal

John Days Lake
Bingham County Idaho Territory
Notice of Water Location

Notice is hereby given that the undersigned have this 19th day of May A.D. 1887 Claimed and appropriated and do hereby claim and appropriate Four hundred and fifty inches under a four inch pressure of the water of Bridge Creek each one having and claiming one hundred and fifty inches of the water said creek emptying into John Days Lake on the east side thereof in the County of Bingham Idaho Territory. The water is to be used for domestic and agricultural purposes on the land claimed and settled on by the undersigned Edmond Lewis William Lewis and Edwin Mann and situated on the east side of John Days Lake. The water is to be diverted from said creek by placing a dam across it at a point about Four hundred and fifty rods in an easterly direction from the place where the main wagon road crosses said creek. The water is to be conveyed to said land by means of a ditch four feet wide at the top one foot wide at the bottom and two feet deep with a fall natural or equal with the fall of the land.

Edmond Lewis
William Lewis
Edwin Mann

Territory of Idaho }
County of Bingham } ss

I James M Beddo being duly sworn on oath do certify that I posted a full true and correct copy of the foregoing notice by posting it on a post six feet high in a conspicuous place at the place stated therein as the point of diversion on the 19th day of May A.D. 1887

James M Beddo

Subscribed and sworn to before me this 19th day of May A.D. 1887

J M Chester

Justice of the Peace

Recorded at the request of
J M Chester 19th May 1887 at 9³⁰ PM
Geo Roberham
Recorder

of a township.
on or lot is vacant
is X, every lot or
e shown.

Scale 40 Chains to an Inch

BRIDGE CREEK NR. TINGEY RANCH
(AKA FULTON CREEK)
Annual Water-Use Records
1996 and 2003 WATER-YEAR

RECEIVED
JAN 12 2005
Department of Water Resources
Eastern Region

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

(CATEGORY I)

1. REFUGE/HATCHERY NAME:

Grays Lake National Wildlife Refuge

2. SITE NAME:

Bridge Creek (aka Fulton Creek) near Tingey Ranch

3. SITE NUMBER:

461212

4. PURPOSE OF GAGE:

To monitor water use under Snake River Basin Adjudication Claim (claim number yet to be assigned) (2.82 cfs).

5. DESCRIPTIVE LOCATION OF SITE:

Latitude 43° 01' 56", Longitude 111° 23' 20" (WGS84) in SW ¼ NW ¼ Sec. 35, T. 5S., R. 43E., Bonneville County, Idaho, Boise Meridian. Approximately 600 feet north of Refuge Headquarters on Grays Lake Road and 0.5 miles east of Grays Lake Road on dirt road.

Road Log: Begin at Refuge Headquarters

Mile:

0.0 Refuge Headquarters;
0.15 go north on Grays Lake Road; turn left onto dirt road;
0.65 monitoring site on south side of dirt road.

6. SUMMARY OF GAGE SYSTEM:

Instantaneous discharge measurements.

7. DESCRIPTION OF RECORDING SYSTEM:

Logbook

8. REFERENCE GAGE:

N/A

9. REFERENCE MARKS:

N/A

10. DATA COLLECTION:

Refuge staff makes flow measurements bi-weekly with a Marsh McBirney velocity meter and suspension rod and record measurements in a logbook. Flow or discharge is calculated by multiplying average velocity, measured and displayed by the velocity meter, by the stream's cross-sectional area.

11. ESTABLISHMENT:

This gage was established by Refuge and Regional staff and incorporated into the Regional Hydrologic Data Collection Network in Month Year.

12. HISTORY:

Month Day Year - Establishment and start of bi-weekly instantaneous discharge measurements using current meter; gage incorporated into Regional Hydrologic Data Collection Network

13. FUTURE WORK NEEDS (CLEANING, LEVELS, ETC.):

- Maintain the measurement reach free of vegetation.

14. DESCRIPTION OF CHANNEL:

Channel is straight 5 feet below and 10 feet above the measurement location. The bed is composed of sand and silt.

15. DESCRIPTION OF CONTROL (FLUME, WEIR, ETC.)

The control is a culvert located 10 feet below the measurement location and is subject to filling.

16. WINTER FLOW:

Subject to icing in the winter.

17. LOCATION AND TYPE OF DIVERSIONS:

Flow diverted on private land upstream, and on FWS land downstream of this point.

18. LOCATION AND TYPES OF REGULATION:

Flow at this location is subject to affects of vegetative growth on private property upstream.

19. LAND STATUS:

This monitoring site is located on FWS property designated as Tract No. 51 by Region 1 Division of Realty.

20. COOPERATING AGENCIES:

None

21. USGS TOPO MAP:

Bear Island, Idaho Quadrangle, 7.5-minute series (1966)

PREPARED BY: Brenda Smith

DATE: November 24, 2003

UPDATED BY:

DATE:

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

Grays Lake NWR

W.Y. 1995

Site Name: Bridge Creek near Tingey Ranch

Station No. 461204

Meas. No.	Date	Made By	Width (ft)	Area (ft2)	Mean Vel. (ft/sec)	Gage Height (ft.)	Discharge (cfs)	Rating No. N/A		Method	Remarks
								Shift	% Diff		
(1995 W.Y.)											
1	05/25/95	Fisher	-----	-----	-----	-----	8.22	-----	-----	Float	Creek was out of its banks. Meas. rated Poor.
2	06/08/95	Fisher Nuffer Stoor	-----	-----	-----	-----	5.43	-----	-----	Float	Meas. rated fair.
3	06/13/95	Stoddard Fisher	-----	-----	-----	-----	3.40	-----	-----	Float	Meas. rated fair.
4	06/20/95	Stoodard Fisher Stoor	-----	-----	-----	-----	2.82	-----	-----	Float	Meas. rated fair.
5	06/28/95	Stoor Fisher	-----	-----	-----	-----	1.73	-----	-----	Float	Meas. rated good/fair.

Daily values table2.TXT

461212

Bridge (Fulton) Creek near Tingey Ranch, Id

DISCHARGE (CFS), WATER YEAR 1995

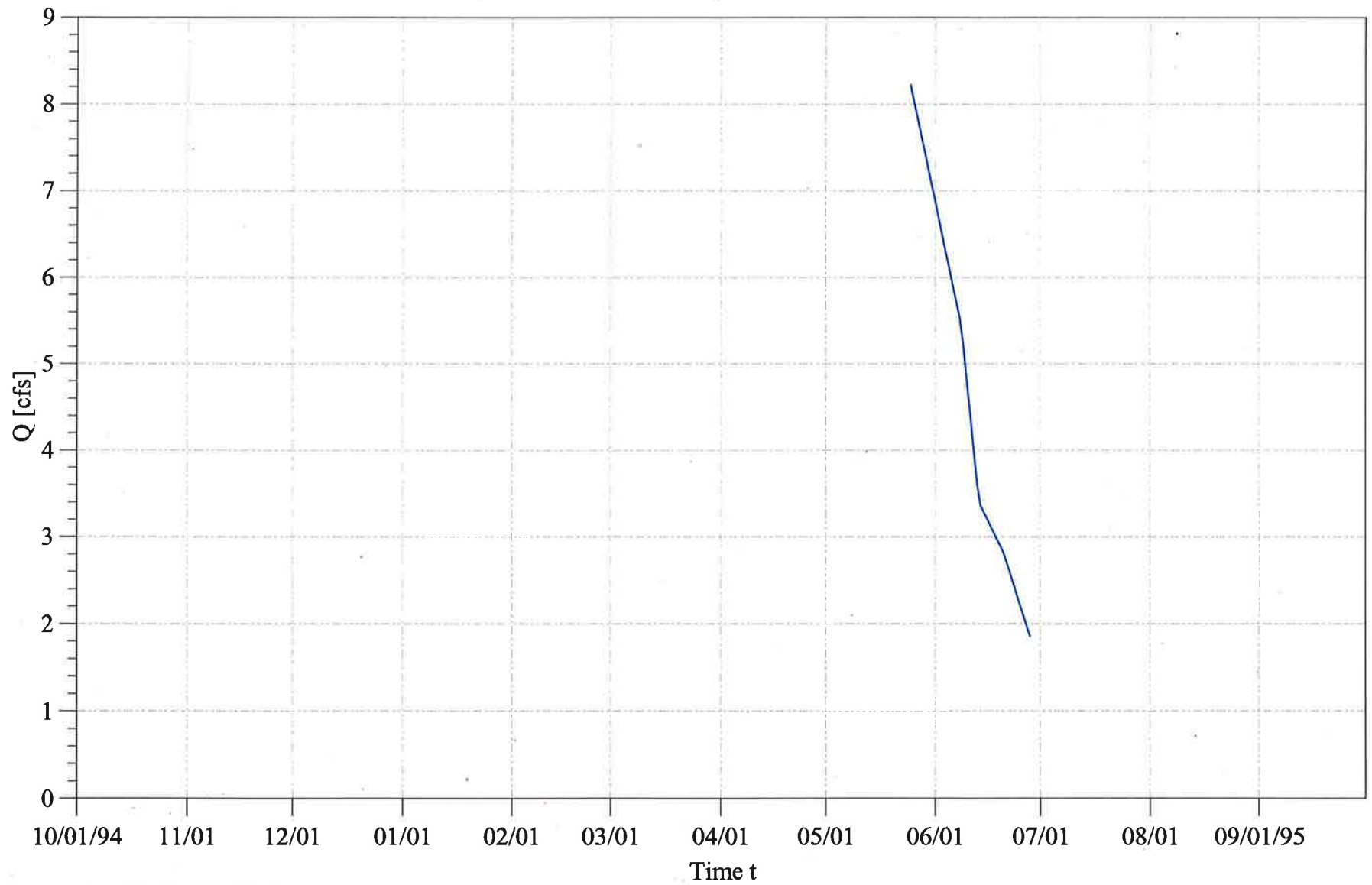
DAILY MEAN VALUES

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1	----	----	----	----	----	----	----	----	6.9	----	----	----
2	----	----	----	----	----	----	----	----	6.7	----	----	----
3	----	----	----	----	----	----	----	----	6.5	----	----	----
4	----	----	----	----	----	----	----	----	6.3	----	----	----
5	----	----	----	----	----	----	----	----	6.1	----	----	----
6	----	----	----	----	----	----	----	----	5.9	----	----	----
7	----	----	----	----	----	----	----	----	5.7	----	----	----
8	----	----	----	----	----	----	----	----	5.5	----	----	----
9	----	----	----	----	----	----	----	----	5.2	----	----	----
10	----	----	----	----	----	----	----	----	4.8	----	----	----
11	----	----	----	----	----	----	----	----	4.4	----	----	----
12	----	----	----	----	----	----	----	----	4	----	----	----
13	----	----	----	----	----	----	----	----	3.6	----	----	----
14	----	----	----	----	----	----	----	----	3.4	----	----	----
15	----	----	----	----	----	----	----	----	3.3	----	----	----
16	----	----	----	----	----	----	----	----	3.2	----	----	----
17	----	----	----	----	----	----	----	----	3.1	----	----	----
18	----	----	----	----	----	----	----	----	3	----	----	----
19	----	----	----	----	----	----	----	----	2.9	----	----	----
20	----	----	----	----	----	----	----	----	2.9	----	----	----
21	----	----	----	----	----	----	----	----	2.8	----	----	----
22	----	----	----	----	----	----	----	----	2.6	----	----	----
23	----	----	----	----	----	----	----	----	2.5	----	----	----
24	----	----	----	----	----	----	----	----	2.4	----	----	----
25	----	----	----	----	----	----	----	8.2	2.2	----	----	----
26	----	----	----	----	----	----	----	8	2.1	----	----	----
27	----	----	----	----	----	----	----	7.8	2	----	----	----
28	----	----	----	----	----	----	----	7.6	1.9	----	----	----
29	----	----	----	----	----	----	----	7.5	----	----	----	----
30	----	----	----	----	----	----	----	7.3	----	----	----	----
31	----	----	----	----	----	----	----	7.1	----	----	----	----
Total	----	----	----	----	----	----	----	53.5	111.9	----	----	----
Mean	----	----	----	----	----	----	----	1.7	3.7	----	----	----
Max	----	----	----	----	----	----	----	8.2	6.9	----	----	----
Min	----	----	----	----	----	----	----	----	----	----	----	----
AC-Ft	----	----	----	----	----	----	----	106	222	----	----	----

BRIDGE CREEK NEAR TINGEY RANCH

Station No. 461212

Water Year 1995



Process date 22.12.2004 11:03

WATER MONITORING SITE ANALYSIS - WY 1995

SITE NUMBER: 461212

SITE NAME: Bridge Creek near Tingey Ranch

FACILITY: Grays Lake NWR

EQUIPMENT:

instantaneous measurements made by timed float method.

GAGE-HEIGHT RECORD: (Raw)

COMPLETENESS OF RECORD

Not a continuously recorded station. Five instantaneous discharge measurements were made during the water year. Daily flow values were interpolated between measurement points.

DATA STORAGE:

Measurements were recorded on Region 1 Standard Float Method note forms and returned to the Water Resources Branch. Measurements were entered in the WISKI database on 12/22/04 in the Brdg Tingy.1.O time series.

GAGE-HEIGHT RECORD: (Edited)

Measurements began on 5/25/95 and end on 6/28/04. Data entered with a time of 12:00 AM. No other editing of discharge measurements were performed prior to entering data into WISKI. Interpolations were made between raw data points by the WISKI program itself. Interpolated values are stored within the time series "BrdgeTingy.Q.1440.E"

DATUM AND TIME CORRECTIONS:

None

CONTROL:

Unknown

RATING/CONTENTS TABLE:

No rating curve exists for this site.

REMARKS:

Five instantaneous discharge measurements were made during the irrigation season. Numbers 1 - 5 were performed by the timed float method and rated fair. The record is rated fair due to few and infrequent measurements.

WORKED BY: David Langman

DATE: December 22, 2004

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

Grays Lake NWR

W.Y. 2003

Site Name: Bridge Creek near Tingey Ranch

Station No. 461204

Meas. No.	Date	Made By	Width (ft)	Area (ft2)	Mean Vel. (ft/sec)	Gage Height (ft.)	Discharge (cfs)	Rating No. N/A		Method	Remarks
								Shift	% Diff		
(2003 W.Y.)											
16	04/29/03	Fisher	6.00	2.95	0.76		2.23			Wading	First meas. of 2003. Water has peaked and started down from high water line. Meas. Not rated.
17	05/14/03	Fisher	9.80	7.37	0.35		2.57			Wading	Significant rains last week. Meas. rated good.
18	05/21/03	Fisher	9.70	6.60	0.24		1.59			Wading	Meas. rated good.
19	05/28/03	Fisher	8.00	3.90	0.28		1.13			Wading	Meas. rated good.

461212

Bridge (Fulton) Creek near Tingey Ranch, Id

DISCHARGE (CFS), WATER YEAR 2003

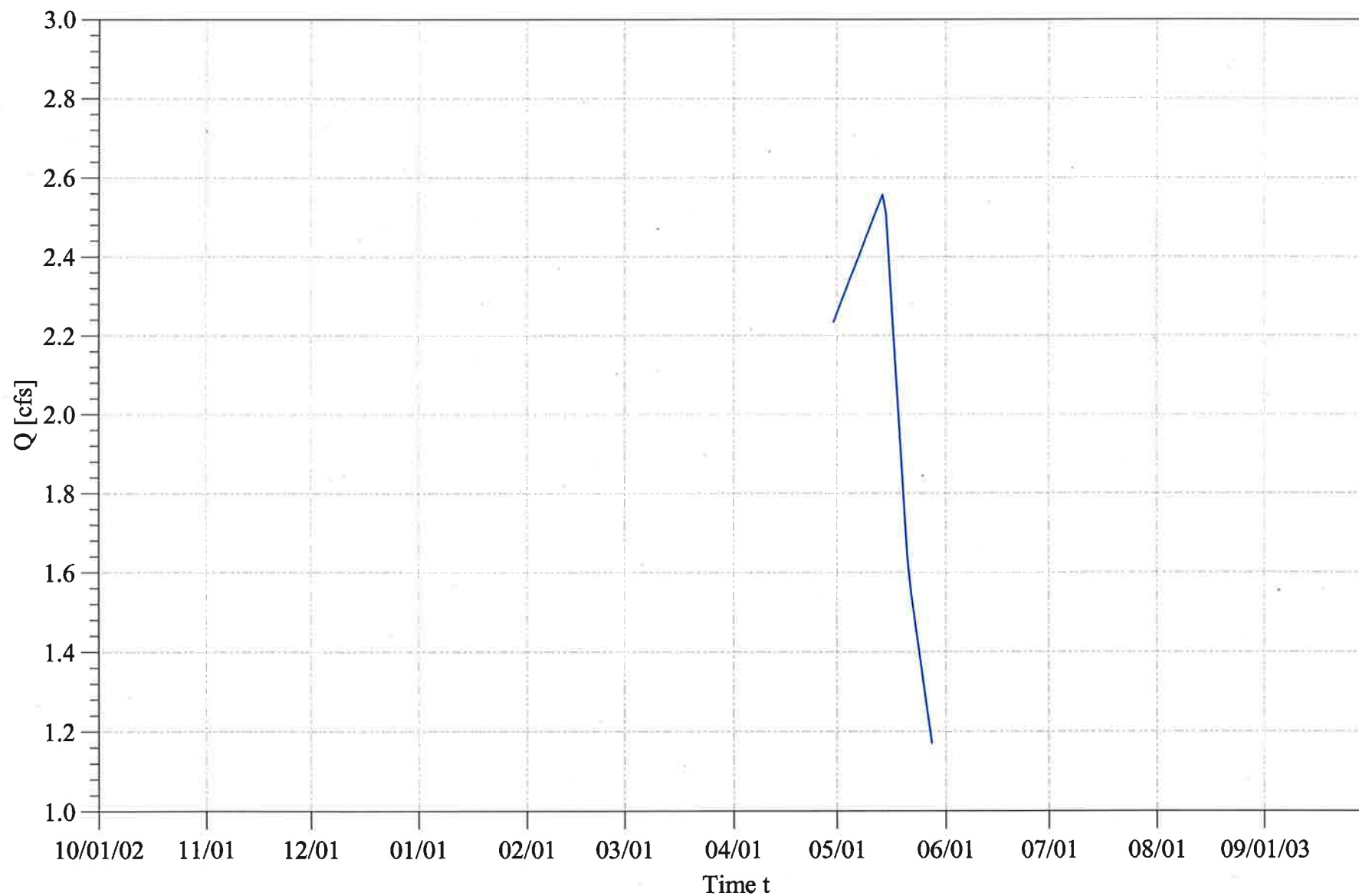
DAILY MEAN VALUES

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1	----	----	----	----	----	----	----	2.3	----	----	----	----
2	----	----	----	----	----	----	----	2.3	----	----	----	----
3	----	----	----	----	----	----	----	2.3	----	----	----	----
4	----	----	----	----	----	----	----	2.3	----	----	----	----
5	----	----	----	----	----	----	----	2.3	----	----	----	----
6	----	----	----	----	----	----	----	2.4	----	----	----	----
7	----	----	----	----	----	----	----	2.4	----	----	----	----
8	----	----	----	----	----	----	----	2.4	----	----	----	----
9	----	----	----	----	----	----	----	2.4	----	----	----	----
10	----	----	----	----	----	----	----	2.5	----	----	----	----
11	----	----	----	----	----	----	----	2.5	----	----	----	----
12	----	----	----	----	----	----	----	2.5	----	----	----	----
13	----	----	----	----	----	----	----	2.5	----	----	----	----
14	----	----	----	----	----	----	----	2.6	----	----	----	----
15	----	----	----	----	----	----	----	2.5	----	----	----	----
16	----	----	----	----	----	----	----	2.4	----	----	----	----
17	----	----	----	----	----	----	----	2.2	----	----	----	----
18	----	----	----	----	----	----	----	2.1	----	----	----	----
19	----	----	----	----	----	----	----	1.9	----	----	----	----
20	----	----	----	----	----	----	----	1.8	----	----	----	----
21	----	----	----	----	----	----	----	1.6	----	----	----	----
22	----	----	----	----	----	----	----	1.5	----	----	----	----
23	----	----	----	----	----	----	----	1.5	----	----	----	----
24	----	----	----	----	----	----	----	1.4	----	----	----	----
25	----	----	----	----	----	----	----	1.4	----	----	----	----
26	----	----	----	----	----	----	----	1.3	----	----	----	----
27	----	----	----	----	----	----	----	1.2	----	----	----	----
28	----	----	----	----	----	----	----	1.2	----	----	----	----
29	----	----	----	----	----	----	2.2	----	----	----	----	----
30	----	----	----	----	----	----	2.2	----	----	----	----	----
31	----	----	----	----	----	----	----	----	----	----	----	----
Total							2.2	57.7				
Mean	----	----	----	----	----	----	0.074	1.9	----	----	----	----
Max	----	----	----	----	----	----	2.2	2.6	----	----	----	----
Min	----	----	----	----	----	----	----	----	----	----	----	----
AC-Ft	----	----	----	----	----	----	4.4	114	----	----	----	----

BRIDGE CREEK NEAR TINGEY RANCH

Station No. 461212

Water Year 2003



Process date 23.12.2004 08:49

WATER MONITORING SITE ANALYSIS - WY 2003**SITE NUMBER:** 461212**SITE NAME:** Bridge Creek near Tingey Ranch**FACILITY:** Grays Lake NWR**EQUIPMENT:**

Instantaneous flow measurements made with a Marsh McBirney current meter.

GAGE-HEIGHT RECORD: (Raw)**COMPLETENESS OF RECORD**

Not a continuously recorded station. Four instantaneous discharge measurements were made during the water year. Daily flow values were interpolated between measured points.

DATA STORAGE:

Measurements were recorded on Region 1 standard "Discharge Measurement note forms" and returned to the Water Resources Branch, Division of Engineering. Measurements were entered in the WISKI database on 12/22/04 in the Brdg Tingy.1.O time series.

GAGE-HEIGHT RECORD: (Edited)

Measurements began on 4/29/2003 and end on 5/28/2003. Interpolations were made between raw data points by the WISKI program itself. Interpolated values are stored within the time series "BrdgTingy.Q.1440.E"

DATUM AND TIME CORRECTIONS:

None

CONTROL:

Unknown

RATING/CONTENTS TABLE:

No rating curve exists for this site.

REMARKS:

Four instantaneous discharge measurements were made during the irrigation season. Numbers 16 -19 were performed by current-meter method and rated good.. The record is rated fair due to few and infrequent measurements.

WORKED BY: David Langman**DATE:** December 23, 2004

H2O Notes - 2003

BRIDGE a.k.a. FULTON CR. JINNEY RANCH

- 3/19/03 Fisher: Bridge/Fult chan covered w/ snow & ice
- 4/8/03 Fisher: Chan still covered, but water appearing on top of snow/ice along chan; color darkening along chan path
- 4/11/03 Steer: Most streams flowing

4/29/03 Fisher: First meas 2003. Judging from old waterline in chan, water has peaked & is dropping. Mod amt H₂O - drought cond; lower than norm runoff

5/7/03 Fisher: Reading pond-lake gauges/passing thru. Still pretty good flow. Steer put in canvas dam last wk.

5/14/03 Fisher: 2nd meas 2003. Higher water due to recent rains & canvas dam downstr.

5/21/03 FISHER: Meas. Canvas dam still in ± 100 yds S. on Main Chan - Ralph will remove this week & place lower. Still pretty good flow, but low for this time of yr. Est $\frac{1}{2}$ going down N. Ber ditch. Meas

6/3/04 FISHER PM: Passing thru. No flow - completely dry. Diverted upstr? Was good flow last wk. Is/led w/ Steve Tingey; didn't know flow off? has cattle in, needs H₂O; will turn on again.

6/4/04 Fisher AM: Called K. O'Brien to ask if he shut-off flow & why. Still no flow this AM. Left message PM: Try to meas - still dry

1945: Called Bruce Muir; he said O'Brien had shut the water off w/ canvas dams & left for UT. Said O'Brien had not told him (Muir) that he intended to shut all the water off, but had said he needed to irrigate before he turned cattle into certain pastures. Muir left O'Brien might not know he'd shut the water completely off in the Bridge aka Fulton Cr Chan. Muir said the shut-off was causing his cattle difficulties & he was having to shift to different watering

H2O Notes - 2003

Bridge aka Fulton Cr nr. Tingey Ranch

6/4/03 (Cont)

Sources, same as Steve Tingey downstr. Muir said he didn't know when O'Brien would be back.

Asked Muir for permission to enter field N. of his mother's house to ck headgate (T4 R43 S36) & he gave it. I inquired if we could enter the rest of the season w/o asking & he was hesitant, seeming to feel it was better for us to ask each time.

6/5/03 1431 Fisher -

Ck's flume sites w/ Langman & Smith. Decided to put flume below culvert (downstr). Still dry. Ck's hdgate at T4 R43 S36 - very small flow: ± 0.1 cfs

6/9/03 1735 Fisher -

Ck's flow - dry & cracking mud. No water since shutoff last wk

6/10/03 0800 Fisher & Stoor -

Ck's Ref signs along co. rd. Small flow xing G.L. Rd. May have turned some loose upstr.

6/11/03

Pm Fisher -

Passing thru to ck lake/pond staff gauges. Still dry. Some slight flow upstr at co. rd. evident, but apparently not enough to make it to Ref.

6/13/03 AM

Fisher -

Ck's flow - same as 6/11 - dry

6/17/03

1115 Fisher -

Ck's flow - same as 6/11 - dry

6/19/03

1053 Fisher -

Reading staff gauges w/ Sjos - dry

7/2/03

AM Sjostram -

" " " Chan wet & muddy across road at meas site. No flow, but puddled above & below rd. Flow only recently stopped, w/in last 12 hrs? Flow at Grays Lk Rd culvert & into Tingey pvt appears greater, but no longer making it to Ref.

H₂O Notes - 2003

Bridge aka Fulton Cr. nn. Tingey Ranch (461212)

7/8/03 1535 Fisher, Munoz - ckg flow. Incrs'd flow at Grays Lk Rd flow (apparently), but not making it to Ref. Chan dry & no puddles.

7/17/03 PM Fisher - passing by. Flow very low at GL Rd / Bridge aka Fulton chan,

7/21/03 AM Stoor, Fisher - passing. Completely dry @ GL Rd / Bridge aka Fulton (E. edge Tingey Fld)

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: A25-14084

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** 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 19, 1887
3. Source: Bridge Creek Trib. to: Grays Lake
4. Point of Diversion:
Township 4S Range 43E Section 35, NW 1/4 of NW 1/4, B.M.,
County of Bonneville
Additional Points of Diversion _____
5. Description of diverting works: **36-inch culvert, 3 earth ditches, and 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	2.80	
Stockwater/Wildlife	Mar.15	Nov.15	0.02	
7. Total Quantity Claimed is:
2.82 C.F.S.

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

United States of America
Fish and Wildlife Service

8. Non-irrigation uses: 175 head cattle, wildlife.

9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	35	SW NW		Irr,S&W	40
4S	43E	34	NE NE		Irr,S&W	13
4S	43E	34	SE NE		Irr,S&W	40
4S	43E	34	NW NE		Irr,S&W	7
4S	43E	34	SW NE		Irr,S&W	20
4S	43E	34	NW SE		Irr,S&W	7
4S	43E	34	NE SE		Irr,S&W	13

Total Number of Acres Irrigated 140

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 amended claim reflects a priority date supported by a posted notice filed in Bingham County May 19, 1887.**

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 _____
Court _____ Case Number _____ Decree Date _____

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

RECEIVED

Ident. Number: 25-A084

Date Received: _____

Receipt No.: _____

Received By: _____

RECEIVED

JUN 22 2004

AUG 05 2004

Department of Water Resources

Department of Water Resources
Eastern Region

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: June 17, 1965

3. Source: Bridge Creek (aka Fulton Creek) Trib. to: Grays Lake

4. Point of Diversion:

Township 4S Range 43E Section 35, NW 1/4 of NW 1/4, B.M.,

County of Bonneville

Additional Points of Diversion _____

5. Description of diverting works: **36-inch culvert, 3 earth ditches, and 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	2.80		490
Stockwater/Wildlife	Mar. 15	Nov. 15	0.02		

7. Total Quantity Claimed is:

2.82 C.F.S. (and/or) 490 A.F.A.

8. Non-irrigation uses: 175 head cattle, wildlife.

SCANNED

JUL 02 2004

United States of America
Fish and Wildlife Service

9. Place of Use:

Township	Range	Section	1/2 of 1/4 of 1/4	Lot	Use	Acres
4S	43E	35	SW NW		Irr, S&W	40
4S	43E	34	NE NE		Irr, S&W	13
4S	43E	34	SE NE		Irr, S&W	40
4S	43E	34	NW NE		Irr, S&W	7
4S	43E	34	SW NE		Irr, S&W	20
4S	43E	34	NW SE		Irr, S&W	7
4S	43E	34	NE SE		Irr, S&W	13

Total Number of Acres Irrigated 140

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:

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 _____
 Court _____ Case Number _____ Decree Date _____

SCANNED

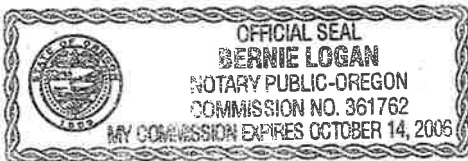
JUL 02 2004

State of Oregon)
)
County of Multnomah)

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

David Walby
Acting Regional Director
U.S. Fish and Wildlife Service, Region 1

Sworn to before me this 16th day of June, 2004.



Bernie Logan
Notary Public

Residing at: Multnomah County, Oregon

My Commission expires: 10/14/06

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Published in _____
Prelim. check by _____	Date _____	Publication dates _____
Fee _____	Receipt# _____	Publication checked by _____ Date _____
Receipt prepared by _____	Date _____	Exceptions filed by _____

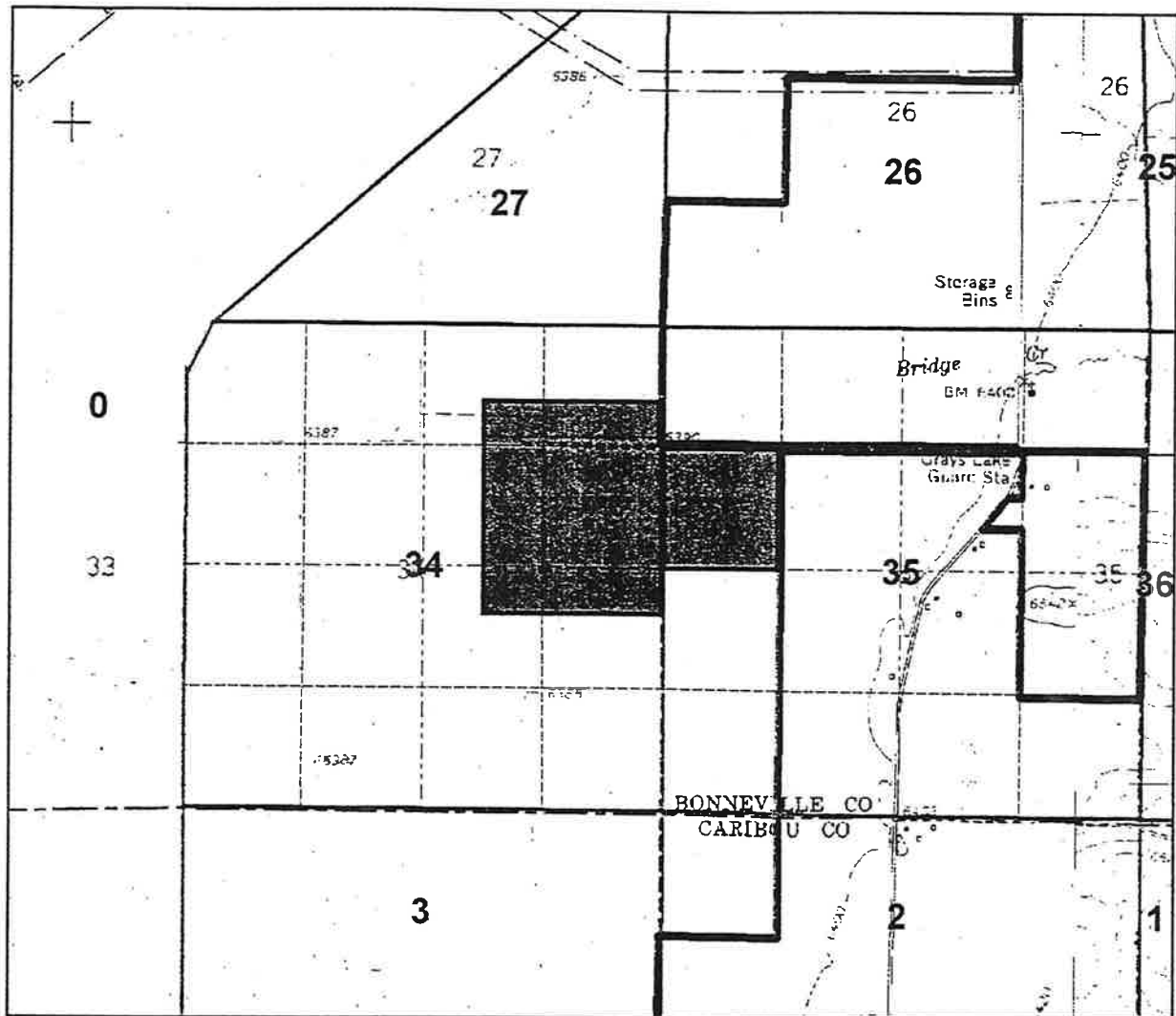
SCANNED

JUL 02 2004

United States of America
Fish and Wildlife Service

APPLICATION MAP
IN THE NAME OF U.S. FISH AND WILDLIFE SERVICE

Section 34, 35, T. 4 S., R. 43 E., B.M.



FULTON CREEK

0 1,320 2,640 3,960 Feet



Legend

-  Fulton Creek
-  Refuge Approved Boundary

SCANNED
JUL 02 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.