

12/22/2004

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

RIGHT NUMBER: 25-13753

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 AFY

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

PRIORITY DATE: 03/15/1981

POINT OF DIVERSION:

T05S R43E S3 Lot 4 Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	03/05 11/15	0.07 AFY
STOCKWATER FROM STORAGE	03/15 11/15	0.07 AFY
WILDLIFE STORAGE	03/15 11/15	0.07 AFY

PLACE OF USE: STOCKWATER FROM STORAGE Within CARIBOU County

T05S R43E S03 Lot 4

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

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

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

EXPLANATORY MATERIAL: Beneficial Use

The place of use is known as Pushup pond.

Carlsen, Ernie

From: Carlsen, Ernie
Sent: Wednesday, January 05, 2005 11:17 AM
To: 'david_langman@fws.gov'
Cc: Mikesell, Ryan
Subject: Modification to initial recommendations

David, Ryan Mikesell and I have been reviewing the preliminary recommendations on the ground water, beneficial use, stock water and wildlife claims at Grays Lake National Wildlife Refuge. Since these claims pertain to ponds we changed the purpose of use to reflect storage using the volume identified on the claim. In general for claims with priorities prior to establishment of the Refuge the uses will show stock water storage. A few claims listed a priority date after establishment of the Refuge and these will have both stock water storage and wildlife storage. For those claims with a priority just a year or two prior to establishment of the Refuge and listing both stock water storage and wildlife storage, I advance the priority date to 6/15/1965 (the date the Refuge was established) and recommended both stock water storage and wildlife storage.

I apologize for getting these to you with only a few days left for review. Feel free to call if you have questions.

Ernie



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08/05/2004

**NOTICE OF ERROR
REPLY**

RM

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: 25-13753

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

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

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

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

DATE: 11/18/2004

SIGNATURE: Michael Eberle

Agent for USFWS

Please print your name: Michael Eberle

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

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SCANNED

PROFILED

RECEIVED

NOV 29 2004

Department of Water Resources
Eastern Region

AUG 01 2001

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

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

Index of Fish & Wildlife Service Declarations

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

NOV 13 2001

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-13753
Date Received: 3-25-93
Receipt No.: XIIIIII
Received By: V. KellyNOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
(For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 Gallons per day)

1. Name: **United States of America** 503-231-6145
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: January 1, 1981
3. Source: Ground Water Trib to: _____
4. Point of Diversion:
Township 5S Range 43E Section 3, Gov't. Lot 4, B.M.,
County of Caribou
Additional Points of Diversion _____
5. Description of diverting works: **Excavated pit with volume of 0.07 ac. feet.**
6. Water is claimed for the following purposes:
- | Purpose | From | To | C.F.S. |
|----------------------------|---------------|---------------|-------------|
| Stockwater/Wildlife | Mar.15 | Nov.15 | 0.07 |
7. Total Quantity Claimed is:
0.07 C.F.S.
8. Total consumptive use claimed is de minimus Acre Feet Per Annum.
9. Non-irrigation uses: 247 head cattle, wildlife.

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United States of America
Fish and Wildlife Service

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use
5S	43E	3		4	S&W

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

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

13. Other Water Rights Used: None.

14. Remarks: The place of use is known as Pushup Pond.

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

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

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

NOV 15 1965

R43E

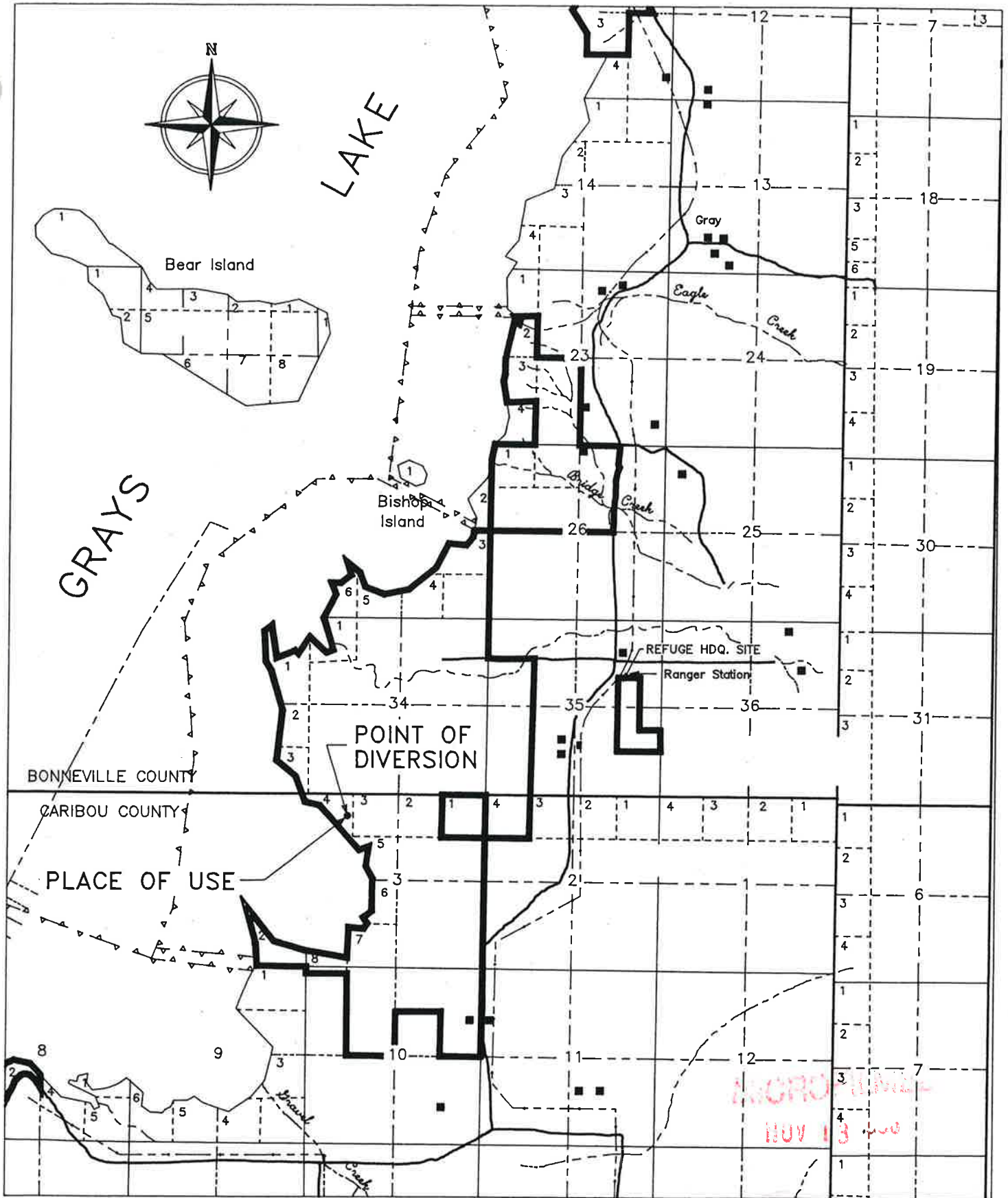
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WATER RIGHT CLAIM FOR PUSHUP POND

SCALE: 0 1/4 1/2 1 2 3 MILES

A25-13753