

08/10/2004

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

RIGHT NUMBER: 25-13735

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: 0.660 AFY

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

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION:

T04S R43E S34 SESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	03/15 11/15	0.66 AFY
STOCKWATER FROM STORAGE	03/15 11/15	0.66 AFY

PLACE OF USE: STOCKWATER FROM STORAGE Within BONNEVILLE County

T04S R43e S34 SESE

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

The place of use is known as Peterson #1 Pond.

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

Water Right 25-13735

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PROFILED

SCANNED

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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: 25-13735

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):

Purpose of Use

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

Purpose of Use: Change from "Stockwater Storage" and "Stockwater from Storage" to "Stockwater/Wildlife Storage" and "Stockwater/Wildlife from Storage"

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

Purpose of Use: Adding "Wildlife" to the purpose of use for this right is an accomplished change of nature or purpose of use as recognized by I.C.A. 42-1425.

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

DATE:

11/23/2004

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

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DEC 02 2004

Department of Water Resources
Eastern Region

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AUG 03 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)	Minidoka	a. Raft River
		35 (05)	Minidoka	b. Gifford Spring
		35 (05)	Minidoka	c. Gifford Spring & assoc. seeps
		35 (05)	Minidoka	d. Unnamed Seeps-- Gifford Slough
2.	Ronald R. Thomasson	35 (05)	Minidoka	a. Gifford Spring
3.	Michael N. Fisher <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 1991

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

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AUG 05 2004

JUN 22 2004

Department of Water Resources
Eastern Region

Department of Water Resources

Ident. Number: A25-13735

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: January 1, 1960

3. Source: Ground Water Trib. to: Grays Lake

4. Point of Diversion:

Township 4S Range 43E Section 34, SE1/4 of SE1/4, B.M.,
County of Bonneville

5. Description of diverting works: **Excavated pit with volume of 0.66 acre feet.**

6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
Stock/Wildlife Storage	Mar. 15	Nov. 15		0.66
Stock/Wildlife from Storage	Mar. 15	Nov. 15		0.66

7. Total Quantity Claimed is:
_____ C.F.S. (and/or) _____ 0.66 A.F.A

United States of America
Fish and Wildlife Service

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JUN 22 2004

8. Non-irrigation uses: 62 head cattle, wildlife.

9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	34	SE SE		S&W	

Total Number of Acres Irrigated _____

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 place of use is known as Peterson #1 Pond**

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 _____

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 Waley
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 _____

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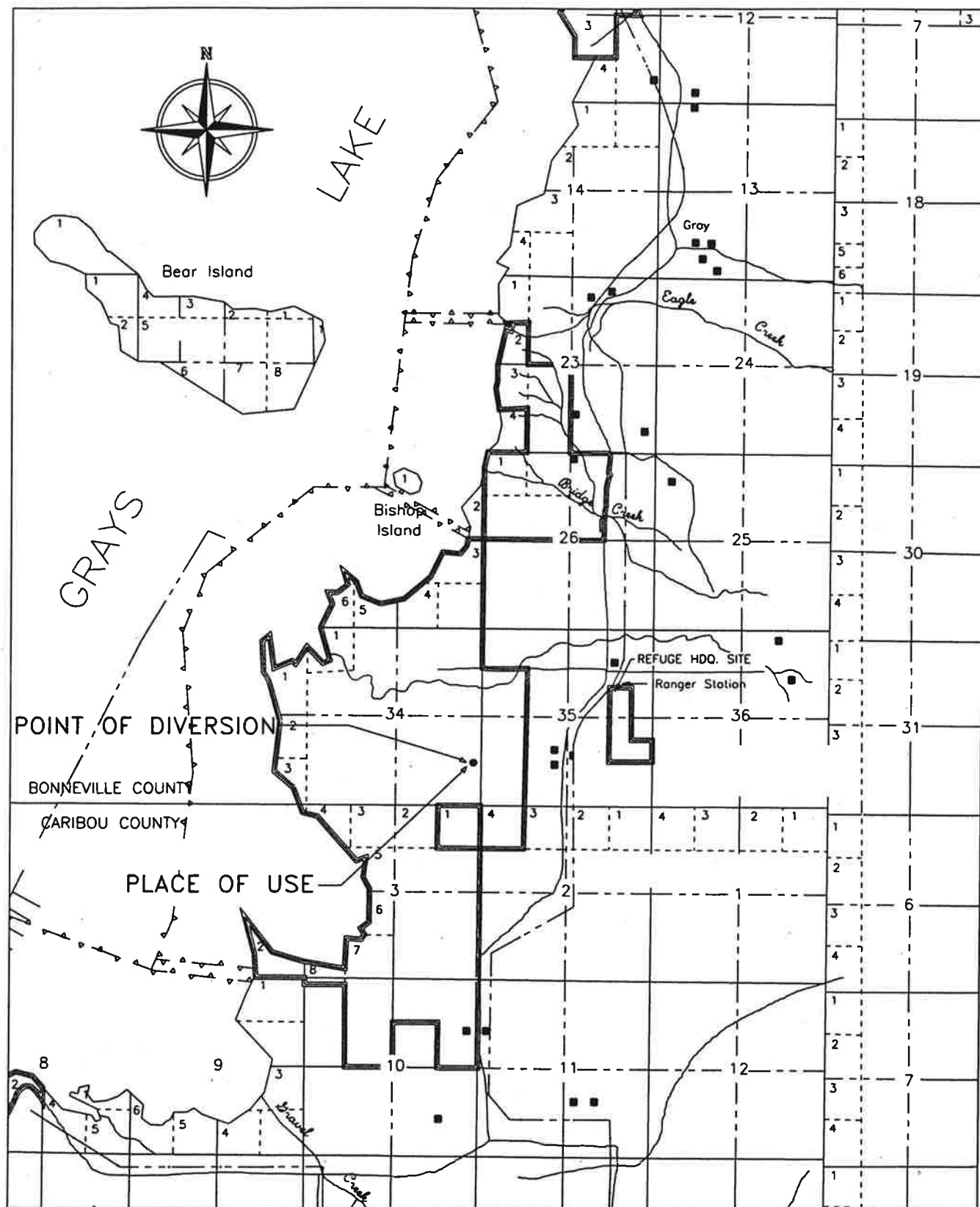
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WATER RIGHT CLAIM FOR PETERSON #1 POND

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

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JUN 22 2004

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: A25-13735
Date Received:
Receipt No.:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: **United States of America
(Fish and Wildlife Service)** Phone: **503-231-6145**
Address: **Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4181**
2. Date of Priority: January 1, 1960
3. Source: Ground Water Trib. to: Grays Lake
4. Point of Diversion:
Township 4S Range 43E Section 34, SE1/4 of SE1/4, B.M.,
County of Bonneville
5. Description of diverting works: **Excavated pit with volume of 0.66 acre feet.**
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
Stock/Wildlife Storage	Mar. 15	Nov. 15		0.66
Stock/Wildlife from Storage	Mar. 15	Nov. 15	0.66	
7. Total Quantity Claimed is:
_____ C.F.S. (and/or) _____ 0.66 A.F.A.
8. Non-irrigation uses: 62 head cattle, wildlife.

United States of America
Fish and Wildlife Service

PROFILE

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9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	34	SE SE		S&W	

Total Number of Acres Irrigated

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 place of use is known as Peterson #1 Pond**

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 _____

PROFILED

United States of America
Fish and Wildlife Service

SCANNED

NOV 08 2004

SCANNED

AUG 03 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A25-13735
Date Received: 3-25-1993
Receipt No.: X11111
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6145**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: January 1, 1960
3. Source: Ground Water Trib. to: Grays Lake
4. Point of Diversion:
Township 4S Range 43E Section 35, SW1/4 of SW1/4, B.M.,
County of Bonneville
5. Description of diverting works: **Excavated pit with volume of 0.66 ac feet.**
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. or A.F.A.
Stockwater/Wildlife	Mar.15	Nov.15	0.03
7. Total Quantity Claimed is:
0.03 C.F.S. (and/or) _____ A.F.A.
8. Total consumptive use claimed is de minimus Acre Feet Per Annum.
9. Non-irrigation uses: 62 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	Acres
4S	43E	35	SW SW		S&W	

Total Number of Acres Irrigated _____

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

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

13. Other Water Rights Used: None.

14. Remarks: The place of use is known as Peterson #1 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 _____

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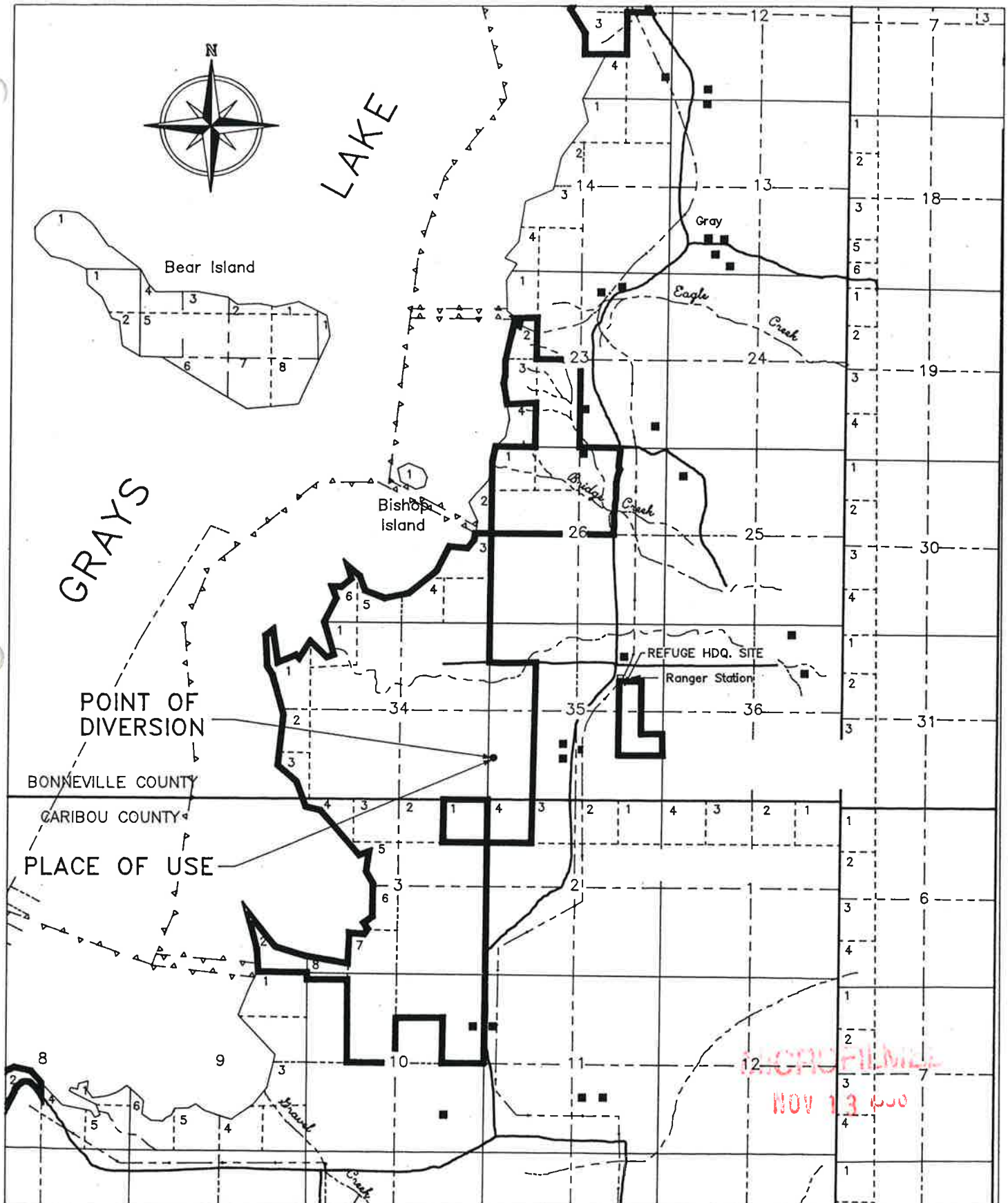
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WATER RIGHT CLAIM FOR PETERSON #1 POND

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

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