

08/10/2004

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

RIGHT NUMBER: 25-13734

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

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION:
T05S R43E S3 Lot 3 Within CARIBOU County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER FROM STORAGE	03/15 11/15	0.50 AFY
STOCKWATER STORAGE	03/15 11/15	0.50 AFY

PLACE OF USE: STOCKWATER FROM STORAGE Within CARIBOU County
T05S R43e S03 Lot 3

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

Place of use is known as Fox 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 25-13734

PROFILED

SCANNED

NOV 08 2004

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: 25-13734

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: 11/22/2004

SIGNATURE: David J. Langman, Agent for USFWS

Please print your name: David J. Langman

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

SCANNED
DEC 06 2004

PROFILED

RECEIVED

DEC 02 2004

Department of Water Resources
Eastern Region

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) 35 (05) 35 (05) 35 (05)	Minidoka Minidoka Minidoka Minidoka	a. Raft River b. Gifford Spring c. Gifford Spring & assoc. seeps d. Unnamed Seeps-- Gifford Slough
2.	Ronald R. Thomasson	35 (05)	Minidoka	a. Gifford Spring
3.	Michael N. Fisher <i>Declaration W/4032</i>	25 (14)	Grays Lake	a. 25-4032 b. 25-4032 c. 25-4034 d. 25-4046 e. Eagle Creek f. Hdqtrs Pond
4.	Gerald L. Deutscher	31 (08)	Camas	a. Well No. 1 b. Well No. 2 c. Well No. 3 d. Well Nos 4, 5 & 6. e. 31-4014 (Well 9) f. 31-4066
5.	Kevin Ryan	63 (13)	Deer Flat	a. 63-5404

MICROFILMED

NOV 13 1999

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

AUG 05 2004

Department of Water Resources
Eastern Region

RECEIVED

JUN 22 2004

Department of Water Resources

Ident. Number: A25-13734

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 5S Range 43E Section 3, Gov't. Lot 3, B.M.,
County of Caribou

5. Description of diverting works: **Excavated pit with volume of 0.5 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		0.50
Stock/Wildlife from Storage	Mar. 15	Nov. 15		0.50

7. Total Quantity Claimed is:

United States of America
Fish and Wildlife Service

SCANNED

JUN 22 2004

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

_____ **0.50** A.F.A

8. Non-irrigation uses: **83 head cattle, wildlife.**

9. Place of Use:

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

Total Number of Acres Irrigated _____

10. Place of use, county(ies): **Caribou**

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 Fox 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 _____
Prelim. check by _____ Date _____
Fee _____ Receipt# _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

R43E

R44E



LAKE

Bear Island

Gray

Eagle Creek

Bishop Island

Bridge Creek

REFUGE HDQ. SITE

Ranger Station

GRAYS

BONNEVILLE COUNTY

CARIBOU COUNTY

POINT OF DIVERSION
PLACE OF USE

WATER RIGHT CLAIM FOR FOX POND

SCALE:

0 1/4 1/2

2

SCANNED

3 MILES

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: A25-13734

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 5S Range 43E Section 3, Gov't. Lot 3, B.M.,
County of Caribou
5. Description of diverting works: **Excavated pit with volume of 0.5 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		0.50
Stock/Wildlife from Storage	Mar. 15	Nov. 15	0.50	
7. Total Quantity Claimed is:
 C.F.S. (and/or) **0.50** A.F.A.
8. Non-irrigation uses: **83 head cattle, wildlife.**

SCANNED

NOV 08 2004

United States of America
Fish and Wildlife Service

FILED

9. Place of Use:

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

Total Number of Acres Irrigated

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

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 Fox 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

SCANNED

NOV 08 2004

PROFILED

SCANNED

AUG 6 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: A25-13734
Date Received: 3-25-1993
Receipt No.: XIIIIII
Received By: V. Kelly

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6145**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: January 1, 1960
3. Source: Ground Water Trib. to: Grays Lake
4. Point of Diversion:
Township 5S Range 43E Section 3, Gov't. Lot 3, B.M.,
County of Caribou
5. Description of diverting works: **Excavated pit with volume of 0.5 acre 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: 83 head cattle, wildlife.

A2513734



United States of America
Fish and Wildlife Service

10. Place of Use:

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

Total Number of Acres Irrigated _____

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 Fox Pond.

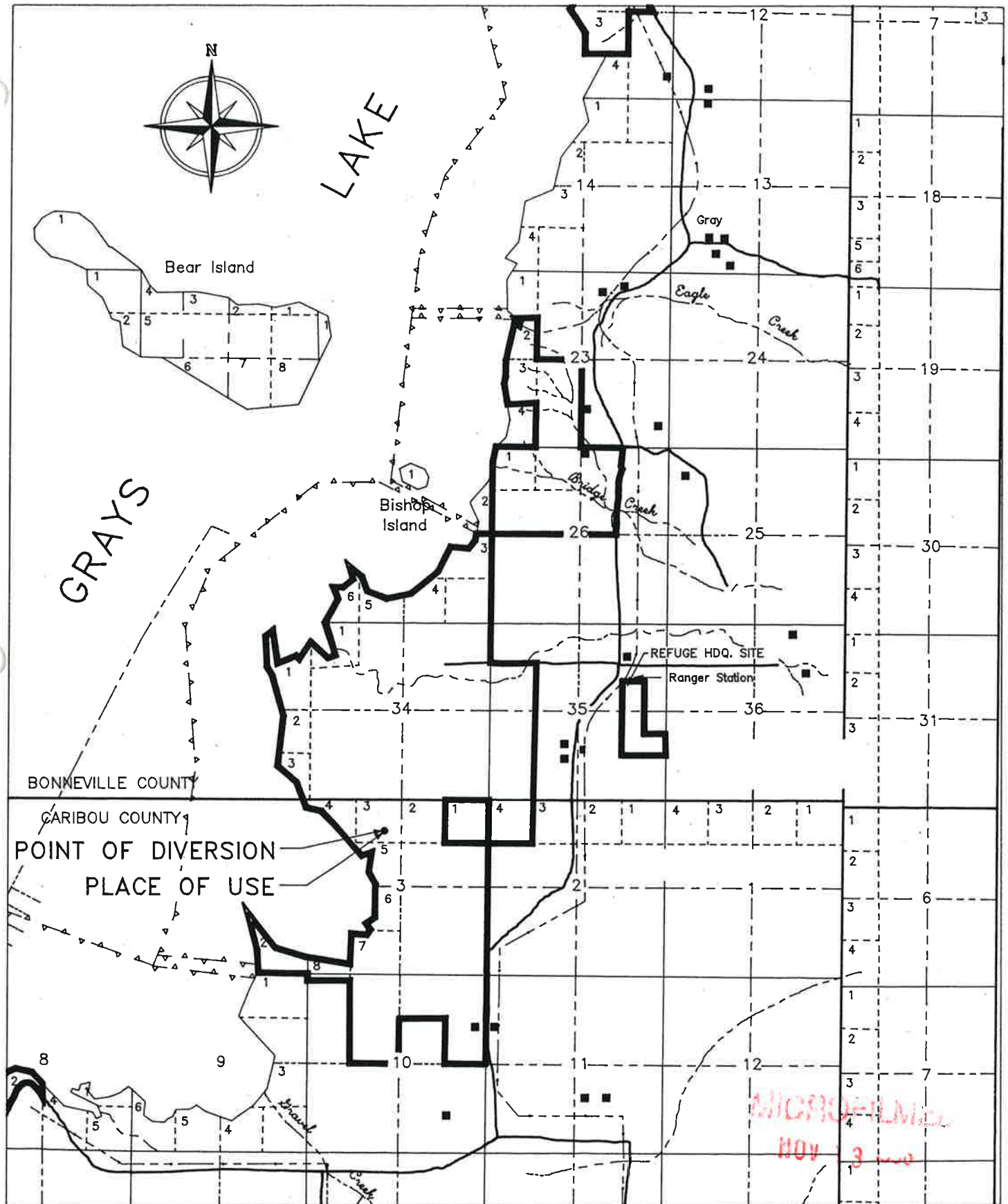
The Grays Lake National Wildlife Refuge was established by the Migratory Bird Conservation Commission on June 15, 1965, for waterfowl nesting and production.

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

MICROFILMED
Nov 13 1980

R43E

R44E

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4
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WATER RIGHT CLAIM FOR FOX POND

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

A25-13734