

12/20/2004

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

RIGHT NUMBER: 25-13731

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: 0.250 AFY

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

PRIORITY DATE: 03/15/1956

POINT OF DIVERSION:

T05S R43E S3 SESE Within CARIBOU 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	0.25 AFY
STOCKWATER FROM STORAGE	03/15 11/15	0.25 AFY

PLACE OF USE: STOCKWATER FROM STORAGE Within CARIBOU County

T05S R43e S03 SESE

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 Kackley #4 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



25-13741.doc



25-13742.doc



25-13753.doc



25-13752.doc



25-13751.doc



25-13748.doc



25-13747.doc



25-13746.doc



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25-13750.doc



25-13749.doc



25-13739.doc



25-13731.doc



25-13730.doc



25-13733.doc



25-13732.doc

08/09/2004

**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: 25-13731

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:

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

DATE:

11/18/04

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

SCANNED
NOV 29 2004

PROFILED

RECEIVED

NOV 29 2004

Department of Water Resources
Eastern Region

SCANNED

AUG 1 2001

eastern

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

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

Index of Fish & Wildlife Service Declarations

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

MICROFILMED

NOV 13 1990

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 RECEIVED
AUG 05 2004 JUN 22 2004
Department of Water Resources
Eastern Region

Ident. Number: A25-13731
Date Received: _____
Receipt No.: _____
Received By: _____

Department of Water Resources

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, 1956

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

4. Point of Diversion:

Township 5S Range 43E Section 3, SE1/4 of SE1/4, B.M.,
County of Caribou

5. Description of diverting works: **Excavated pit with volume of 0.25 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		0.25
Stock/Wildlife from Storage	Mar. 15	Nov. 15		0.25

7. Total Quantity Claimed is:
_____ C.F.S. (and/or) _____ **0.25** A.F.A.

United States of America
Fish and Wildlife Service

SCANNED

JUN 22 2004

8. Non-irrigation uses: 160 head cattle, wildlife.

9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
5S	43E	3	SE SE		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 Kackley #4 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.

Acting David Walley
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 _____

R43E

R44E



LAKE

Bear Island

Gray

Eagle Creek

Bishop Island

Bridle Creek

REFUGE HDQ. SITE

Ranger Station

BONNEVILLE COUNTY

CARIBOU COUNTY

POINT OF DIVERSION

PLACE OF USE

WATER RIGHT CLAIM FOR KACKLEY #4 POND

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

SCANNED

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: A25-13731

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, 1956

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

4. Point of Diversion:

Township 5S Range 43E Section 3, SE1/4 of SE1/4, B.M.,
County of Caribou

5. Description of diverting works: **Excavated pit with volume of 0.25 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			0.25
Stock/Wildlife from Storage	Mar. 15	Nov. 15		0.25	
7. Total Quantity Claimed is:					
<u> </u> C.F.S. (and/or)				<u>0.25</u>	<u>A.F.A</u>

SCANNED

NOV 08 2004

United States of America
Fish and Wildlife Service

PROFILED

8. Non-irrigation uses: 160 head cattle, wildlife.

9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
5S	43E	3	SE SE		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 Kackley #4 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 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: A25-13731
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, 1956
3. Source: Ground Water Trib. to: Grays Lake
4. Point of Diversion:
Township 5S Range 43E Section 3, SE1/4 of SE1/4, B.M.,
County of Caribou
5. Description of diverting works: **Excavated pit with volume of 0.25 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	0.05
7. Total Quantity Claimed is:
0.05 C.F.S. (and/or) A.F.A.
8. Total consumptive use claimed is de minimus Acre Feet Per Annum.
9. Non-irrigation uses: 160 head cattle, wildlife.

A2513731



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	SE SE		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 Kackley #4 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 _____

R43E

R44E



LAKE

Bear Island

Gray

Eagle Creek

Bishop Island

Bridge Creek

REFUGE HDQ. SITE

Ranger Station

BONNEVILLE COUNTY

CARIBOU COUNTY

POINT OF DIVERSION

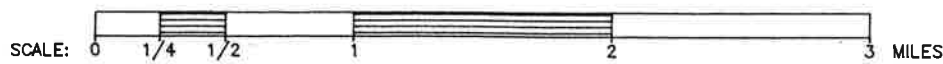
PLACE OF USE

Brass Creek

MICROFILMED

NOV 13 1990

WATER RIGHT CLAIM FOR KACKLEY #4 POND



A25-13731