

T1748 FELLER

Identification No. 11 0104
Transfer No. 1748

APPROVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use JUN 2 1975

Department of Water Resources
Eastern District Office

1. Name of Right Holder DeWitt H. Feller &/or Marie Feller
Post office address Cokeville, Wyoming 83114 Ph: 307-849-0523
2. Right obtained by:
a. Decree to C. Webster in Case of W. A. Fawcett et, al
(Name)
vs. Thomas Fork Irrig Dated Feb. 2, 1902 in 5th Judicial Dist. Court of Idaho
& Canal Co., C. Webster et al (Name of Court)
Court. County of Bear Lake
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Thomas Fork of Bear River tributary to Great Salt Lake
(Name of stream or source)
4. Date of Priority May 15, 1880
5. Amount of water a. 13.8- 13.6 c.f.s. and/or 1 - 7/8
b. _____ acre feet/annum
6. Water is used for irrigation from Apr. 15 to Oct. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28,
Township 13S, Range 46E, B.M., in Bear Lake County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	46E	4											40	40					80
		9	40	40	40	40	40	40		40					40			15	335
		10	40	40	40	40	40	40	40	40	40	40			40	40			480
		11						L. 1 42	L. 2 42		L. 3 42								126

Total number of acres presently irrigated 1,021

#3.

(n)

SAMUEL HART:-

The South-east $1/4$ of the Northeast $1/4$ of Sec. 4, the South-west $1/4$ of the North-west $1/4$, and the North $1/2$ of Sec. 3, Town. 14 South Range 46 East Boise Meridian, containing 160 acres.

(o)

C. WEBSTER and S. L. LEWIS:-

The North $1/2$ of the South-east $1/4$ of Sec. 9, and the North $1/2$ of the South-west $1/4$ of Sec. 10, the North-west $1/4$ and the West $1/2$ of the Northeast $1/4$ of Sec. 10 and the East $1/2$ of the North-east $1/4$ of Sec. 9, the South-east $1/4$ of the South-west $1/4$ of Sec. 4, (and the North-east $1/4$ of the North-west $1/4$ and the West $1/2$ of the North-east $1/4$ of Sec. 9) the South-east $1/4$ of the Southwest $1/4$ of Sec. 9) Lot numbered 1 in Sec. 11, and the East $1/2$ of the North-east $1/4$ of Sec. 10 and lots 2 and 3 of Sec. 11, all in Town. 14 South Range 46 East of Boise Meridian and containing 880 acres of land, That the said C. Webster now own the fee simple title thereto and that the said S. L. Lewis is in possession of same under a contract of purchase from the said Webster.

The South $1/2$ of the South-east $1/4$ of Sec. 9, the North-east $1/4$ and the North $1/2$ of the South-east $1/4$ of Sec. 16, and the North-west $1/4$ of the South-west $1/4$ and the South-west $1/4$ of the North-west $1/4$ of Sec. 15, Town. 14, South of Range 46 East of Boise Meridian, containing 400 acres.

(p)

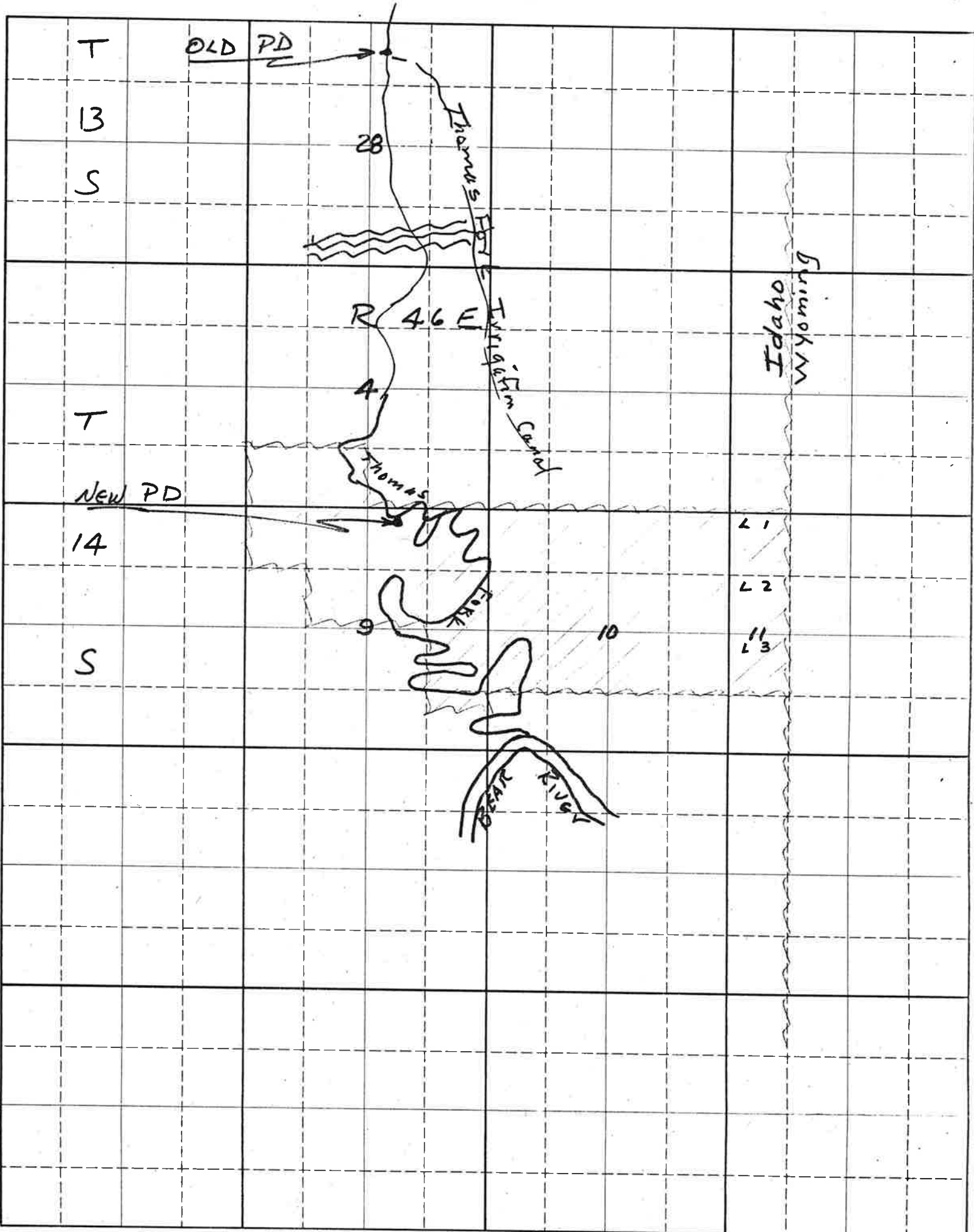
✓ MUMFORD BROTHERS:-

The W. $1/2$ of Sec. 15. and S.W. $1/4$ of S.W. $1/4$ Sec. 10 and N.W. $1/4$ of the N.W. $1/4$ of Sec. 22, in Township 13 South of Range 46 East B. M., containing 400 acres of land.

The E. $1/2$ and S. W. $1/4$ of the N. E. $1/4$ and the N. $1/2$ and the S.E. $1/4$ of the S. E. $1/4$, and the E. $1/2$ of the S. W. $1/4$ and N. W. $1/4$ of the S. W. $1/4$ and the S. W. $1/4$ of the N.W. $1/4$ of Sec. 28, in Township 13 South of Range 46 East B. M., containing 400 acres of land.

RECORDED

MAY 14 1896



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____
Contract of sale attached.

17-1-1
74 F
10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: ~~2.8~~ 3.6 c.f.s. and/or _____ acre feet
- b. New point of diversion: NW 1/4 NE 1/4, Section 9, Township 14S
_____, Range 46E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
Permanent 70 Hp pumping station out of Thomas Fork for sprinkler system
on west side of Thomas Fork

- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
To improve method of irrigation and use water and land more
efficiently

- f. Do you intend to make the transfer permanent? Yes
- 17-1-1
74 F
g. Do you intend to abandon completely the old point of diversion? No, the remaining
~~9-8 10x0~~ cfs will be diverted at the original point of diversion
10
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right. no change

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Devin W. Solte
 (signature of applicant)

Subscribed and sworn to before me this 26th day of MARCH, 1975

Ronald D. Carlson
 (notary public)

My commission expires 2/14/78

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0104,
and said application is hereby APPROVED

- Approval of said application is subject to the following limitations and conditions:
A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.
- Denial of said application is for the following reasons:

Witness my hand this 30th day of May, 1975

R. Keith Higginson
 R. Keith Higginson, Director
 Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MB Date 3-26-75 Protest filed by: _____ Date _____

Prelim. check by MB Date 3/26/75 _____

Fee received by MB Date 3-26-75 Fee \$ 30.00 _____

Approved for publication by MB Date 4-28-75 # 4161 _____

Published in Water Resources Dates April 3-10, 1975 _____

Hearing held _____

Watermaster Recommendation sent to A #114 Virgil D. ...

MB 5/2/75



United States Department of the Interior RECEIVED

FISH AND WILDLIFE SERVICE

NOV 12 1997

Bear Lake National Wildlife Refuge
370 Webster Street, Box 9
Montpelier, ID 83254

Department of Water Resources
Eastern Region

Director
Idaho Dept. of Water Resources
Water Right Records Department
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

November 10, 1997

Water Right Records Department:

I want to double check with the Idaho Dept. of Water Resources to make sure your water records reflect the current ownership status of land and water on the former Dewitt Feller-FSA property. In November, 1995, the U.S. Fish and Wildlife Service received in fee title the ownership of the former Dewitt Feller property from the Farm Services Administration (formerly the FmHA). A copy of the Warranty Deed is attached. This tract of land is located just north of Hwy. 30 in Idaho near Border, WY. The east boundary is the Wyoming state line. The Thomas Fork of the Bear River meanders through the west portion of the property and most of the remaining property is a large seasonal wetland. Total acreage is 1,015 acres.

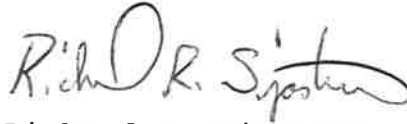
The way I understand the water right for this property, it has 680 miners inches of water apportioned to it for a total of 13.6 CFS to be received from the Thomas Fork Creek directly (3.6 CFS) and 500 (10 CFS) shares of Thomas Fork Irrigation Co. water that is delivered via the Thomas Fork Canal (see attached map). We have been working with the above irrigation company and water master on water delivery, and have been paying our annual assessment on these shares since we received word on ownership. Attached is a copy of our transferred share certificate (returned by the Farm Services Admin. to the irrigation company and then transferred to the USFWS). Attached also is a copy of a Water Right Profile report FAX to me by your office on 12/06/95 that details our water ownership for this tract of land.

This property is managed out of Montpelier by the Bear Lake National Wildlife Refuge and is now called the Thomas Fork Unit, Bear Lake NWR. Currently the refuge has been busy getting this important habitat unit up and running as a migratory bird use area and protecting the riparian zones along the Thomas Fork. We actively irrigating our wild hay meadows that are harvested by permittees each August. We also have a small farming program that provides additional food for migratory birds, particularly sandhill cranes that migrate through this area. High water from the Thomas Fork annually flood interior wetlands, forming ponds and sloughs

during the spring and summer months for bird use.

Please make sure your records reflect the above status and an acknowledgement by letter from IDWR of this would be greatly appreciated. This will be placed in our water records and land ownership file for the Thomas Fork Unit. If you have any questions give me a call at (208)847-1757 or FAX (208)847-1319. Thank you for your time.

Sincerely,

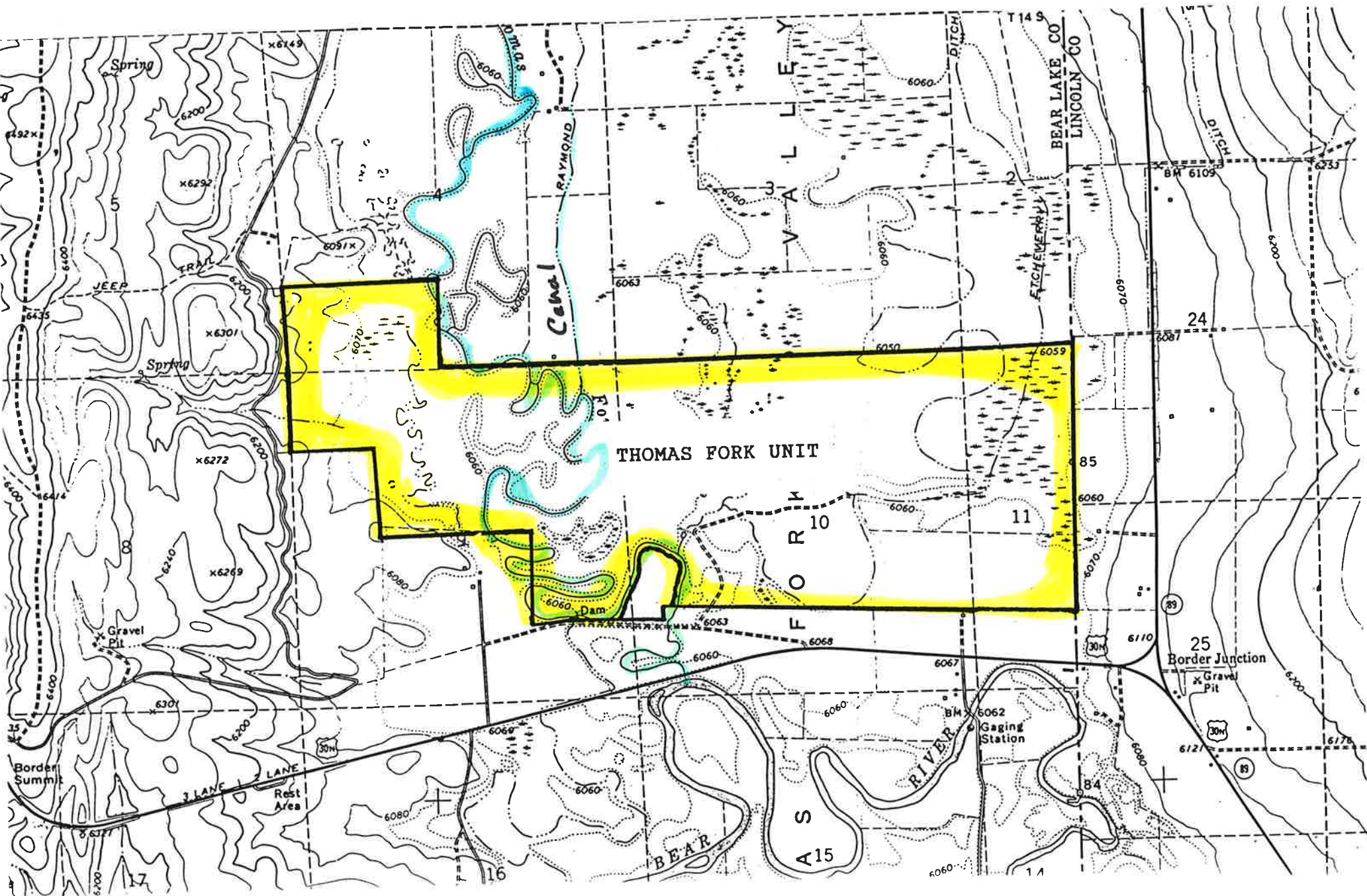
A handwritten signature in dark ink, appearing to read "Rich R. Sjoström". The signature is fluid and cursive, with the first name "Rich" and last name "Sjoström" clearly distinguishable.

Richard R. Sjoström
Refuge Manager

RRS
cc.refuge file
SIRC

— Thomas Fork Unit boundary

— Thomas Fork of Bear River





United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE. 11th Avenue
Portland, Oregon 97232-4181

IN REPLY REFER TO:

FWS/ARW-RE

November 29, 1995

LA-Idaho FM HA Interest
Bear Lake County Unit-(Bear Lake NWR)
Feller, DeWitt (10)

Memorandum

To: Refuge Manager, Bear Lake NWR
Montpelier, Idaho

From: Realty Specialist, Division of Realty
Region 1, Portland, Oregon (ARW-RE)

Subject: Closing on Feller Tract (10)

The attached Deed, Certificate as to Rights-of-Way, Easements, and Reservations, and Tract Map for the above-referenced tract should be placed in your permanent file. This land is now a part of the National Wildlife Refuge, and should be administered accordingly.

Anne Cullen
Anne Cullen
Realty Specialist

Attachments

cc:
Marilynn Friley ES-BPL
Mark Strong ARW-1
Peggy Guillory ES-6
Scott Wise ARW-RE

B. L. Cty courthouse
Recording
Index # 162905

DEED TO U. S. FISH AND WILDLIFE SERVICE

THIS DEED made this 28th day of SEPTEMBER, 1995, by and between the UNITED STATES OF AMERICA acting by and through the SECRETARY OF AGRICULTURE represented by the Rural Economic and Community Development Agency, formerly Farmers Home Administration (hereafter "Grantor"), and the UNITED STATES OF AMERICA by and through the SECRETARY OF THE INTERIOR on behalf of the United States Fish and Wildlife Service (hereafter "Grantee").

BY AUTHORITY conferred on the Grantor by Section 354 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2002) providing for the transfer, without reimbursement, of fee title or other interest therein of inventory lands to any Federal or State agency for conservation purposes; and,

THE GRANTOR ACKNOWLEDGES, by this instrument, the determination that the rights of all prior owners and operators of the lands described below have expired, that the land is determined to be suitable or surplus, and that it has marginal value for agricultural production, is environmentally sensitive, or has special management importance, and that this transfer and conveyance comports with and is in furtherance of said authority,

NOW THEREFORE, for and in consideration of the Congressionally mandated purposes as authorized by the above referenced authority and other conservation benefits conferred by the transfer of these lands pursuant to federal law, the Grantor does hereby transfer and quitclaim to the Grantee the following described lands:

TOWNSHIP 14 SOUTH, RANGE 46 EAST OF THE BOISE MERIDIAN, BEAR LAKE COUNTY, STATE OF IDAHO

Section 04: S1/2SW1/4.

Section 09: N1/2NW1/4, SE1/4NW1/4, NE1/4, NE1/4SE1/4, and all that portion of the SE1/4SE1/4 lying North of U. S. Highway 30 North.

Section 10: N1/2, N1/2S1/2.

Section 11: Lots 1, 2, and 3.

Containing approximately 1015.2 acres.

Together with all water and water rights thereunto appertaining, including, but not limited to 680 (13.6 CFS) minor's inches of Thomas Fork Creek and ~~680~~ 500 shares of Thomas Fork Creek Irrigation Company. ^{including (10 CFS or 500 minor's inches)}

↑
10 CFS
+ 3.6 CFS (changed from above to a point
of div. along Thomas Fork
See water Profile report
13.6 CFS

PERPETUAL RIGHT OF WAY:

TOWNSHIP 26 NORTH, RANGE 120 WEST, 6TH PRINCIPAL MERIDIAN,
LINCOLN COUNTY, WYOMING:

Section 25: Beginning at the Northeasterly corner of Lot 2; thence South along the Easterly boundary line of said lot 2, a distance of 405 feet to the true point of beginning; thence West, a distance of 1225 feet; thence North, a distance of 20 feet; thence East, a distance of 1225 feet; thence South, a distance of 20 feet, to the true point of beginning.

And being (part of) the same land conveyed from DeWitt H. and Marie J. Feller to the United States of America acting through the Farmers Home Administration, United States Department of Agriculture by deed dated January 30, 1984 and recorded June 15, 1984 as Instrument Number 134985, of the land records of Bear Lake County in the State of Idaho.

The above described land shall hereafter be administered by the Secretary of the Secretary of the Interior, acting by and through the United States Fish and Wildlife Service, as part of the National Wildlife Refuge System Administration Act (16 U. S. C. 668dd, et seq.).

TO HAVE AND TO HOLD, the herein described land unto the Grantee forever.

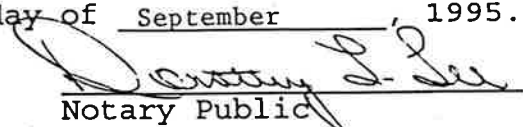
WITNESS, the signature of the authorized officer of the Grantor.

UNITED STATES OF AMERICA
THE SECRETARY OF AGRICULTURE
BY:


LOREN A. NELSON, Acting State Director
Rural Economic and Community Development Service
(formerly Farmers Home Administration)

State of IDAHO
County of ADA

I, DOROTHY L. LEE, Notary Public in and for the
above referenced state and county, do certify that
LOREN A. NELSON, being the duly authorized agent of the
Secretary of Agriculture, did acknowledge this instrument
before me this 28th day of September, 1995.


Notary Public

ACCEPTANCE BY THE FISH AND WILDLIFE SERVICE:

The transfer of land management functions by this instrument to the Secretary of the Interior is hereby accepted on behalf of the U.S. Fish and Wildlife Service this 16th day of November, 1995.

Salud S. Moore
U.S. Fish and Wildlife Service

NOTE: The written acceptance by the U.S. Fish and Wildlife Service on this deed is for administrative purposes only, and the lack of acceptance shall not be construed to defeat or reduce the estate conveyed by this deed.

INCORPORATED UNDER THE LAWS OF IDAHO

No. 18

500 Shares

The Thomas Fork Irrigating Company, Inc.

Capital Stock, \$10,000 - - 2,000 Shares, of \$5.00 Each Share.

THIS
CERTIFIES
THAT

U.S. Fish and Wildlife Service is the owner of
Five Hundred Shares of the Capital Stock of

The Thomas Fork Irrigating Company, Inc.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its Corporate Seal to be hereunto affixed
this *23* day of *September* A.D. 19 *46*

James Higby

Secretary

Paul E. Haverly

President

SHARES

5

EACH

WR0749WP
No. 11-00106

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/06/95
PAGE: 1

OWNER
CODE NAME & ADDRESS
C DEWITT H. FELLER
C MARIE FELLER

PRIORITY
DATE WATER USE
05/15/1890 IRRIGATION

USE PERIOD
FROM TO
00-00 00-00

DIVERSION
RATE
13.600 CFS

DIVERSION
VOLUME
13.600 CFS

Conversion to sec./ft.
(680 miners inch $\times .02 = 13.6$ cfs)

TOTAL DIVERSION: 13.600 CFS

Water Source: THOMAS FORK

Tributary to: BEAR RIVER

Stage: DECREED

Point(s) of Diversion:

T13S R46E S28
T14S R46E S09

NAME Head of Raymond Ditch
NAME Thomas Fork Creek - W. side Feller
Pump div

BEAR LAKE County
BEAR LAKE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM
			NENE	NUNE	SUNE	SENE	NENW	NUNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SUSE	SESE	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
14S	46E	4											40	40					80.0
14S	46E	9	40	40	40	40	40	40		40					40				335.0
14S	46E	10	40	40	40	40	40	40	40	40	40	40			40	40			480.0
14S	46E	11							01-42				02-42						86.0
TOTAL ACRES																			979.0

Pou County: BEAR LAKE

Other Rights: 11-0105/0106

Other Water Rights with Same Point(s) of Diversion and Source:

11-00095 11-00099 11-00100 11-00101 11-00102 11-00103 11-00106 11-00108 11-00110B 11-00134
11-01042

Other Water Rights Listing Overlapping Place(s) of use:

11-00102 11-00105 11-00106

Remarks: TRANS. 1748 P/D CHANGE FOR 3.6 CFS.

P/D 10 CFS THOMAS FORK CANAL LEGAL: NUNE, S28, T13S, R46E. (10 CFS = 500 miners inches)

P/D 3.6 CFS PUMP LEGAL: NUNE, S9, T14S, R46E (3.6 CFS = 180 miners inches)

P/D 3.6 CFS LANDS WEST OF THOMAS FORK.

DECREE SOURCE - THOMAS FORK CANAL

1 CFS = 50 miners inches

1 miners inch per water share?

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Dates: 05/15/1890
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 11F

Field Exam Fee:

Audit: 01/27/86 05/21/88 CONVERT

(50 miners inches per CFS)

Change to
D.S. Fish &
Wildlife
Service

DEC-06-'95 WED 16:01 ID:

TEL NO:

#142 P02