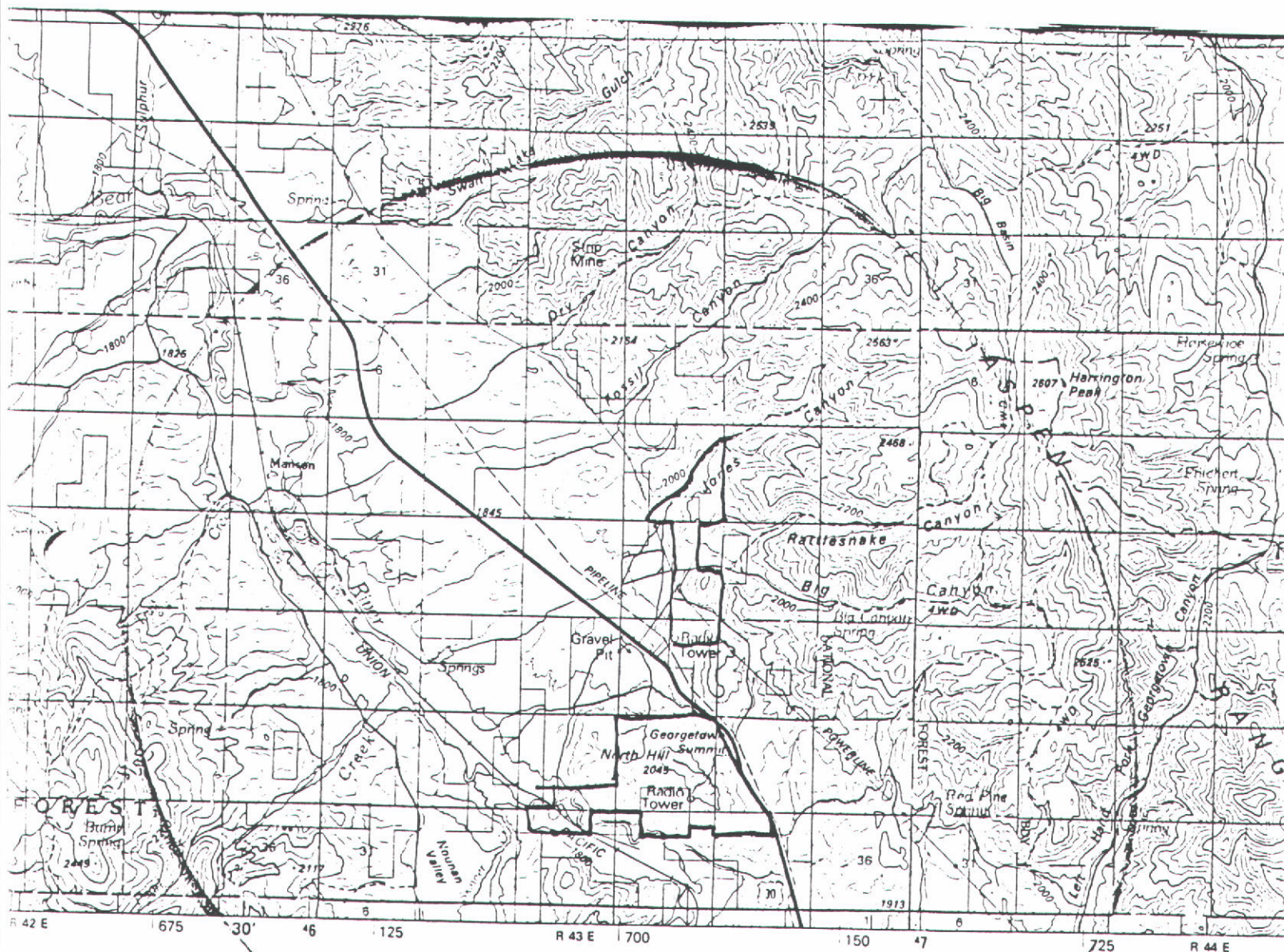


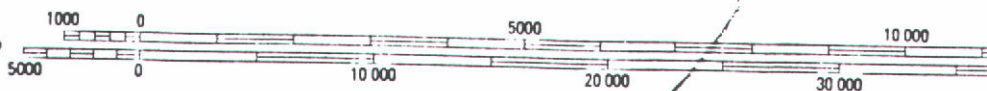


SCALE 1:100 000

1 CENTIMETER ON THE MAP REPRESENTS 1 KILOMETER ON THE GROUND

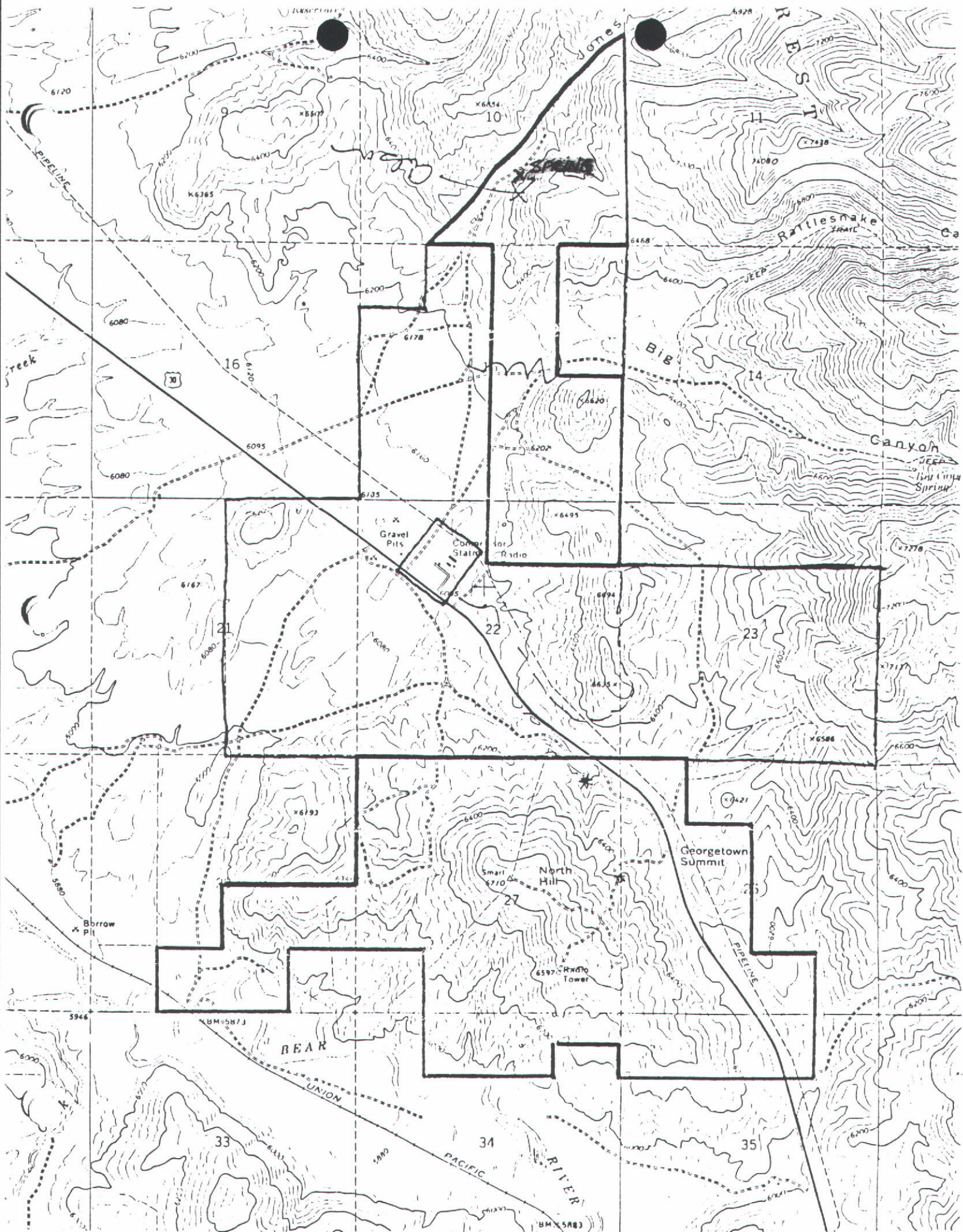
CONTOUR INTERVAL 40 METERS

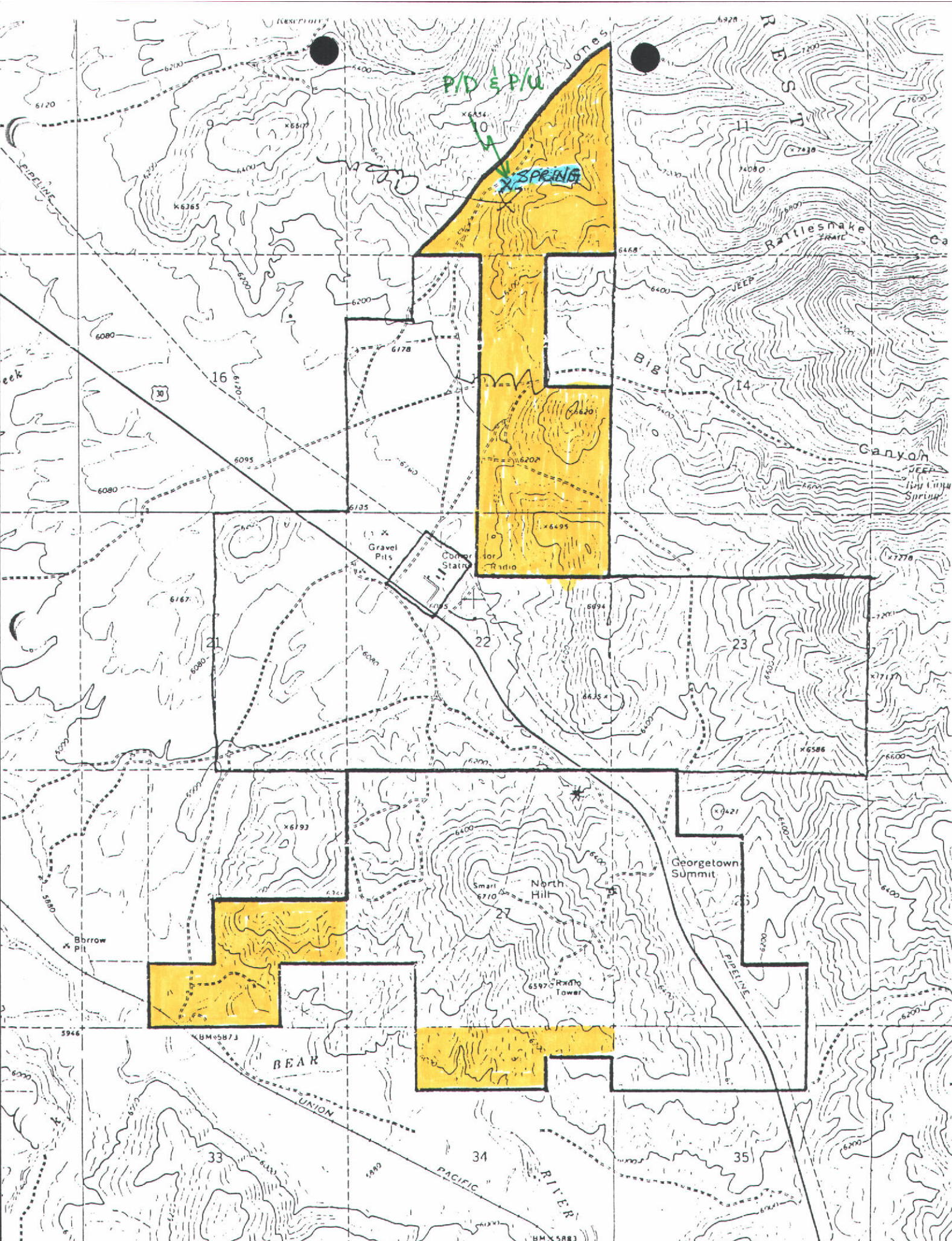
SUPPLEMENTARY CONTOUR INTERVAL 20 METERS



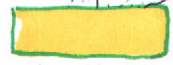
BUREAU OF LAND MANAGEMENT LAND STATUS LEGEND

State Lands	NONE	Bureau of Reclamation	NONE	Department of Energy (DOE)	NONE	State, County, City, Park and Outdoor
City	NONE	Power Withdrawals and Classifications		Oregon & California Lands (O&C Lands) Administered By US Forest Service	NONE	Acquired Lands (By Administering)
		Federal Agency Protective Withdrawals		Radio & Air Facilities	NONE	
		Public Water Reserves		Miscellaneous		





T10S R43E



IDFG lands

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Marilyn Smart (Name of Claimant)
Box 29 Georgetown Idaho 83239 Telephone No. 847-0629
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1910

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

2 unnamed springs tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.02 cfs.</u>	Use	<u>Domestic</u>	Period of Use From	<u>Jan. 1</u> To <u>Dec. 31</u>
Quantity	<u>0.06 cfs.</u>	Use	<u>Stockwater</u>	Period of Use From	<u>May 1</u> To <u>Nov. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.08 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 10 Twp. 10 S Rge. 43 E B.M., County of BEAR LAKE
Additional points of diversion: 2 springs in same 40 acre subdivision

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Two spring boxes, & a 1300 gal. storage tank with pipeline to house & stock troughs.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
<u>10 S</u>	<u>43 E</u>	<u>10</u>														<u>X</u>			

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: water has been used for culinary purposes in house & for stockwater as specified below.

NOTE: Include here the type and number of stock watered: 1200 sheep, 50 cows, 4 horses.
If you are claiming water as a member of an organization, list name of organization:

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing 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.

Sworn to before me this 16th day of August, 1928.

(Claimant) Alfred J. Miller

Notary Public George J. Miller Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY	Exception filed by:	Forwarded to	Date
8/17/78	8/17/78	8/17/78	8/17/78
Received by	Prelim. check by	\$20.00 fee received by	Published in
8/17/78	8/17/78	8/17/78	Aug 24 & 31, 1978
DL	8/17/78	8/17/78	Aug 24 & 31, 1978

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren M. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 24, 19*78*, and ending

with the issue of *August 31*, 19*78*.

Fees, *15.73*

Subscribed and sworn to before me this *31* day

of *August*, 19*78*
Loren M. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

Public Notices

NOTICE OF CLAIM TO A WATER RIGHT NO. 11-4071

Notice is hereby given that Marilyn Smart, Georgetown, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.08 cubic feet per second of water from 2 unnamed springs tributary to sinks with point of diversion in the NW¼SE¼ (2 points), Sec. 10, T. 10S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes and from May 1 to Nov. 31 for stockwatering for 1200 sheep, 50 cows, 4 horses with a priority of 1910; the place of use is within the NW¼SE¼, Sec. 10, T. 10S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the News-Examiner, Montpelier, Idaho on Aug. 24 and Aug. 31, 1978.

A 24-31

RECEIVED

SEP 8 1978

Idaho Department of Water Resources
Boise State Office



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Cecil D. Andrus / Governor
Jerry M. Conley / Director

November 30, 1994

RECEIVED

DEC 02 1994

Department of Water Resources

Mr. Shelley Keen
Idaho Department of Water Resources
STATEHOUSE MAIL
1301 North Orchard Street
Boise, ID 83720

RE: Water right claim no. 11-04071 (Georgetown Summit WMA)

Dear Shelley:

With regards to the above-referenced water right claim, I have enclosed copies of the warranty deeds that transfer ownership of the property to the Idaho Department of Fish and Game (IDFG), an excerpt from the IDFG Management Plan for the property (Georgetown Summit WMA), and a notarized affidavit from a former landowner describing the previous use of water on the property. As you can see from the Management Plan, IDFG will continue to use the water for domestic and livestock/wildlife watering. No new uses of water are currently anticipated.

If you have any questions regarding this matter, please call me at 334-2597. Thanks for your assistance.

Sincerely,

Cindy Robertson
Fisheries Staff Biologist

CR:alb

Enclosures

cc: Barbara Slott, Southeast Region

WARRANTY DEED DEC 02 1994

Department of Water Resources

THIS INDENTURE is made and entered into this 6 day of March, 1991, by and between ROCKY MOUNTAIN ELK FOUNDATION, INC., a Montana non-profit corporation, Grantor, with principal offices at 2291 West Broadway, Missoula, Montana 59807-8249, and the Idaho Department of Fish and Game, Grantee, with principal offices at P.O. Box 25, Boise, Idaho 83707.

WITNESSETH

That the Grantor, pursuant to resolution of its Board of Directors, duly and regularly adopted, has bargained and sold and by these presents does grant, bargain, sell, assign, transfer, convey, and confirm unto the Grantee, its successors and assigns forever, the following described real property situated in the County of Bear Lake, State of Idaho, to-wit:

Section 10, Township 10 South, Range 43 East of the B.M.:

Beginning at the Southeast Corner of Section 10, and running thence West 3649 feet, more or less, to a point 1631 feet East of the Southwest Corner of said Section 10;
thence North 52° East 600 feet;
thence North 38°45' East 1500 feet;
thence North 55° East 525 feet;
thence North 47° East 397 feet to point on Jones Canyon Road;
thence up canyon North 12°30' East 618 feet;
thence North 40°30' East 1228 feet;
thence North 57°30' East 204 feet;
thence North 34° East 420 feet;
thence North 64° 15' East 140 feet to Forest Boundary on East line of said Section 10;
thence South along East section line to Southeast Corner; the point of beginning.

Section 15, Township 10 South, Range 43 East of the B.M.:

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$).
The Southeast Quarter (SE $\frac{1}{4}$).

Section 22, Township 10 South, Range 43 East of the B.M.:

N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM:
Commencing at the NW Corner of Section 22;
thence North 89°56' East 2640 feet;
thence South 1020 feet to the Northwest Corner of the herein described tract of land for the TRUE POINT OF BEGINNING;

thence South 300 feet;
 thence North 89°56' East 300 feet;
 thence North 300 feet;
 thence South 89°56' West 300 feet to the point of
 beginning.

Section 28, Township 10 South, Range 43 East of the B.M.:

N $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING
 THEREFROM: 50 feet Northeast and 50 feet Southwest of
 the center line of the Oregon Short Line Railway.

Section 34, Township 10 South, Range 43 East of the B.M.:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the North 33 rods of
 NE $\frac{1}{4}$ NE $\frac{1}{4}$.

TOGETHER WITH ALL AND SINGULAR the tenements,
 hereditaments, and appurtenances thereunto belonging or in
 anywise appertaining, and all the estate, right, title,
 interest, claim, or demand whatsoever of the Grantor, either in
 law or equity of, in and to the above bargained premises.

TO HAVE AND TO HOLD the said premises above bargained and
 described with the appurtenances, unto the Grantee, its
 successors and assigns forever.

The Grantor, for itself, its successors and assigns, does
 covenant, grant, its successors and assigns, that it is seized
 of the premises conveyed in fee simple, and has good right,
 title, lawful authority to grant, bargain, sell, and convey the
 same; and, that the premises are free and clear of all former
 or other grants, bargains, sales, liens, taxes, assessments,
 and encumbrances of any kind whatsoever, except the following:

(i) A patent in which the United States of America
 reserved all uranium, thorium, or any other material which
 is or may be determined to be peculiarly essential to the
 production of fissionable materials, dated November 2,
 1949, and recorded on February 2, 1951, in Book 42 of
 Deeds, Page 489, as Instrument No. 64786, Records of Bear
 Lake County, Idaho (affects the W $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15,
 and the N $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22);

(ii) A patent in which the United States of America
 reserved all coal and other minerals, together with the
 right to prospect for, mine, and remove the same, dated
 July 7, 1928, and recorded October 8, 1928, in Book 30 of
 Deeds, page 349, as instrument No. 32047, records of Bear
 Lake County, Idaho (affects the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34);

(iii) A patent in which the United States of America reserved all coal and other minerals, dated April 19, 1929, and recorded January 25, 1947, in Book 39 of Deeds, page 613, as instrument No. 59011, records of Bear Lake County, Idaho (affects the NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10);

(iv) A Right of Way Contract granted to Pacific Northwest Pipeline Corporation, recorded July 12, 1955, in Book 8 of Miscellaneous, page 98, as Instrument #70583, records of Bear Lake County, Idaho (affects property in Sections 27, 34, and 35);

(v) A Right of Way Contract granted to Northwest Pipeline Corporation, recorded October 4, 1955, in Book 8 of Miscellaneous, page 228, as Instrument #70998, records of Bear Lake County, Idaho (affects property in Section 22);

(vi) A Pole Line Easement granted to Utah Power & Light Company, recorded January 30, 1970, as Microfilm Instrument #93980, records of Bear Lake County, Idaho (affects property in Sections 22, 26, and 35);

(vii) A Right of Way Easement granted to Idaho Power Company, recorded November 12, 1971, as Microfilm Instrument #97186, records of Bear Lake County, Idaho (affects property in Sections 10, 15, and 22);

(viii) A reservation by Lowell G. Smart of 50% of all oil, gas, and mineral rights appertaining to the portions of the Property in Sections 22, 26, 27, 28, 34, 35, and the SE $\frac{1}{4}$ of Section 15, as revealed by a Memorandum of Real Estate Contract recorded April 22, 1981, as Microfilm Instrument #124491, records of Bear Lake County, Idaho;

(ix) A reservation by Marilyn Bollar of an undivided $\frac{1}{2}$ of all Oil, Gas, Mineral, and Geothermal Rights appurtenant to the portions of the Property in Section 10 and the N $\frac{1}{4}$ of Section 15, as set forth in a warranty deed recorded November 20, 1987, as Microfilm Instrument #145119, records of Bear Lake County, Idaho;

(x) A grazing lease for the 1991 grazing season granted by the Seller to Albert F. Bingham and Ruth M. Bingham, husband and wife; Evan Bingham; Kent Bingham and Shirley Bingham, husband and wife; and Marlon Bingham and Rhonda Bingham, husband and wife; and

(xi) Taxes and assessments which are not yet due and payable.

The Grantor warrants and will defend the premises in the quiet and peaceable possession of the Grantee, its successors,

and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof..

IN WITNESS WHEREOF, the Grantor has caused this indenture to be executed by its duly authorized officers, and its corporate seal to be hereunto affixed, the day and year in this instrument first above written.

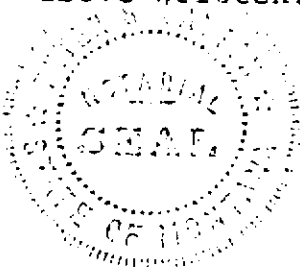
ROCKY MOUNTAIN ELK FOUNDATION, INC.

By *Robert W. Munson*
Robert W. Munson
Executive Director

STATE OF MONTANA)
COUNTY OF MISSOULA) ss.

On this 29th day of JANUARY, 1991, before me, the undersigned notary public in and for said State, personally appeared Robert W. Munson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



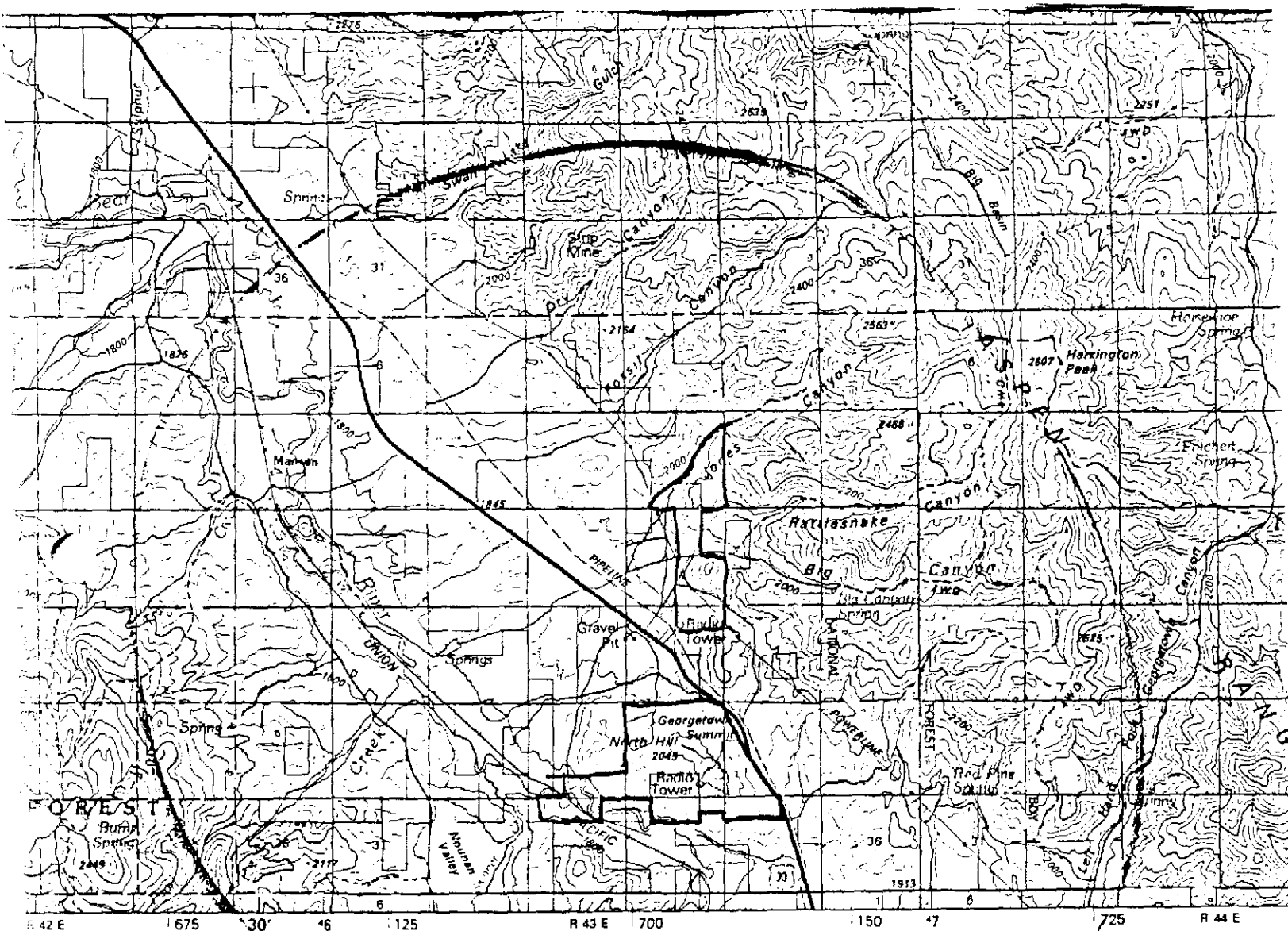
Dee S. Dain

Notary Public for the State of MONTANA
County of MISSOULA
My commission expires 14 APRIL 1993.

0041L

BEAN LAKE COUNTY RECORDER
JOHN D. EDORN
91 MAR 6 PM 1 46
DEPUTY *Dee S. Dain* \$12.00
FEE

152077



SCALE 1:100 000

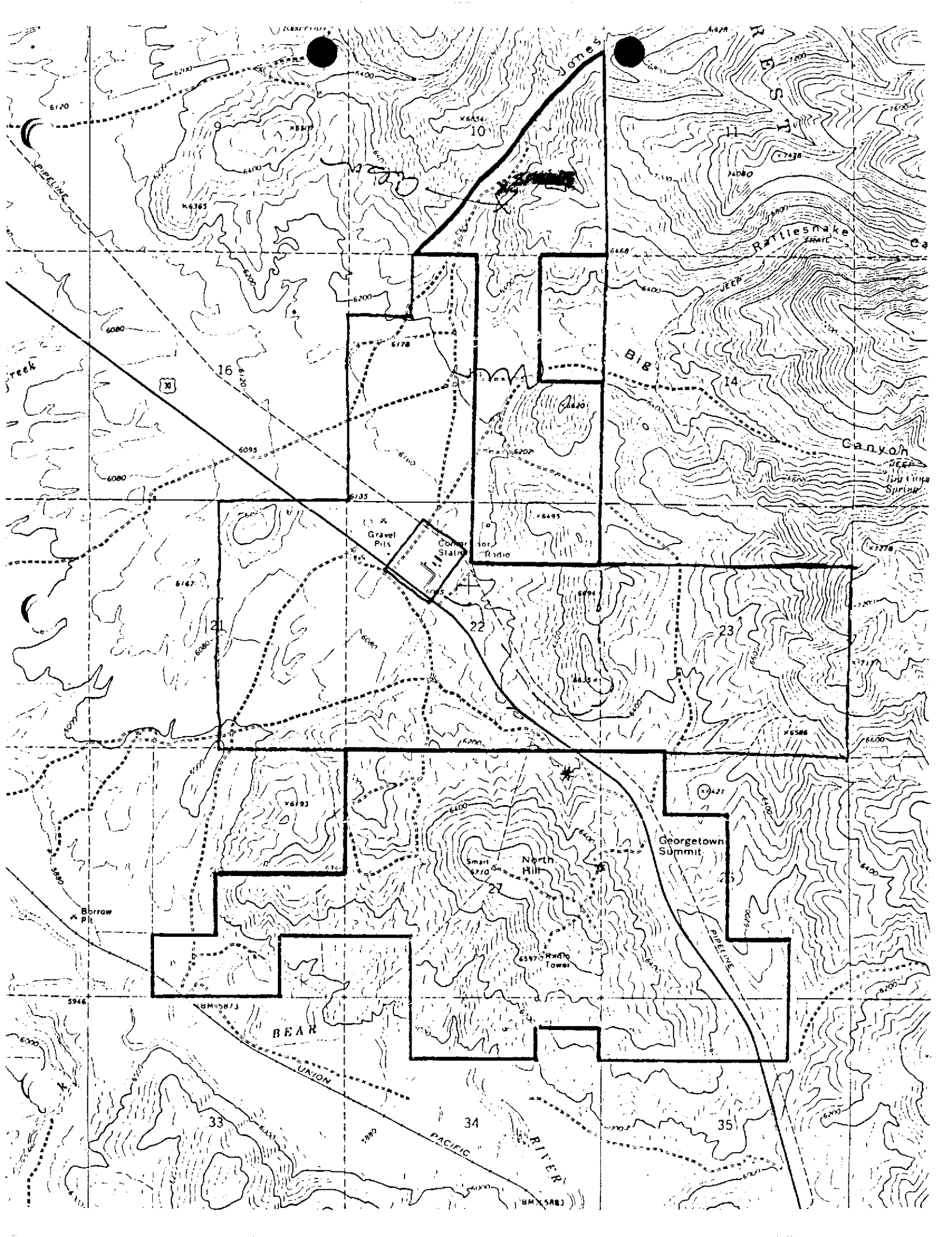
1 CENTIMETER ON THE MAP REPRESENTS 1 KILOMETER ON THE GROUND

CONTOUR INTERVAL 40 METERS

SUPPLEMENTARY CONTOUR INTERVAL 20 METERS

BUREAU OF LAND MANAGEMENT
LAND STATUS LEGEND

State Lands	NONE	Bureau of Reclamation	NONE	Department of Energy (DOE)	NONE	State, County, City, and Park and Outdoor
City	NONE	Power Withdrawals and Classifications		Oregon & California Lands (O&C Lands) Administered By US Forest Service	NONE	Acquired Lands (By Administering)
		Federal Agency Protective Withdrawals		Radio & Air Facilities	NONE	
		Public Water Reserves		Miscellaneous		



Georgetown Summit Wildlife Management Area
Management Plan
1991-1995

Physical Characteristics

Location

The Georgetown Summit Wildlife Management Area (WMA) is located in Bear Lake County approximately 10 miles northwest of Montpelier. It includes 1655 acres in two parcels separated by U.S Highway 30 at Georgetown Summit. Nearly 2000 acres of land owned by the Idaho State Department of Lands (IDL) lies between the two parcels. Of that acreage, 1670 acres is leased to the Georgetown Grazing Association of which the department is now a member. Of the 1655 acres included in the management area itself, 880 acres is deeded to the Rocky Mountain Elk Foundation and leased to the department. Other land management agencies in the vicinity include the U.S. Forest Service (USFS) and the Bureau of Land Management.

This plan may be the basis for a Coordinated Resource Management Plan which will involve the holdings of all the above-named entities and improve habitat for wintering elk on a total of nearly 5000 acres.

Physiography and Climate

The WMA lies within the Great Basin/Rocky Mountain vegetation transition zone. Elevation in the vicinity ranges from 5800 feet on the Bear River to 7000 feet on the ridgetops. Aspect is generally south to westerly. Soils are generally light clay with fine gravel texture, but vary greatly depending on slope and aspect.

The climate of the area is moderated by predominantly moist, warm air masses moving inland from the North Pacific Ocean. Occasional arctic air masses bring extreme winter cold. Climatic conditions are influenced locally by major mountain ranges which lie north to south, lying across west-to-east airflows.

Winter weather is cold, with mean daily temperature in January rarely exceeding 20°F, and minimums of -20°F are not unusual. Temperatures range from -40°F to 100°F. Annual precipitation is 12-15 inches, more than half of which falls in the winter as snow.

Vegetation

Vegetation is dependant upon all factors mentioned as well as land use and management history, but generally displays a complex of three dominant groups: 1) sagebrush-grasslands, 2) aspen and tall shrub deciduous forests, and 3) mixed mountain brush types (Kuck 1984). The majority of this WMA is represented by the two former groups. 50 acres of a valley bottom have been seeded to alfalfa.

geese, ruffed grouse, sharptail grouse, gray partridge, mountain lions, bobcats, coyotes, badgers, cottontailed rabbits, jackrabbits, weasels, ground squirrels, and many species of songbirds. Also, several species of trout, whitefish and non-game fish are found in the Bear River. A more complete list of birds, mammals, fish and reptiles is included in Appendix B.

Land and Water Control

In 1991, the Rocky Mountain Elk Foundation (RMEF) purchased 1656 acres from the Bingham family. The RMEF sold 750 acres to the Department and leased the remaining 906 acres to the Department for 20 years. The property lies in two parcels. The north parcel is joined on the east by Caribou N.F. land and on the south and west by land belonging to the Idaho Department of Lands (IDL). The south parcel is adjacent to IDL and private land.

With the purchase of this property, the Department acquired a 50% interest in the Georgetown Grazing Association. The only other partner in the Association is a sheep operation. The Association has grazing rights on 1670 acres of state-owned land administered by IDL. The Grazing Association dates back to the 1800's when horses were used for ranching. Originally, the grazing rights were for horse pasture. In February, 1993, the grazing lease was renewed for ten years.

The Department has entered into a cooperative agreement with a local farmer. He is allowed to farm approximately 28 acres and graze about 70 acres of Department property in exchange for leaving 25% of his grain crop standing and provide fencing to keep his cattle out of the riparian areas. All of the stubble from grain grown on Department property is left standing. He also allows department personnel to use the road through his property to access Department property. This agreement is for one year and is renewable annually.

0.08 cfs

The Department also acquired a 0.8 cfs water right in Jones Canyon. This water right was originally granted for both livestock and domestic use. We will use this right to provide water for the cabin and for use by wildlife/livestock.

Developments

A cabin is located on the northern portion of the WMA, in the Jones Creek drainage. There is a developed spring higher up the draw which provides water for the cabin.

An abandoned radio tower sits on North Hill with a road leading up to it. There are also several other dirt/gravel roads on the WMA, some of which provide access to the Caribou National Forest.

Public Use

The previous owners had posted most of the property south of

Highway 30 to restrict public access. This area will now be open for public hunting on foot or horseback. The WMA is also open to snowmobile activity in the winter.

Administration

The WMA will be managed by the Regional Habitat Biologist assigned to the eastern portion of the region. Funding will be provided by Federal Aid to Wildlife and Fish and Game license fees. Equipment will be borrowed from the regional pool or from other regions, rented or contracted.

Use Policy

Management of the Georgetown Summit WMA will be directed toward the following uses:

<u>Priority</u>	<u>Use</u>
1	Big game winter habitat - elk, deer and moose
2	Public hunting - big game, upland game
3	Wildlife and outdoor appreciation

Future Programs

Big Game Winter Habitat

Our number one priority is to maintain or increase the carrying capacity of the big game winter range. By improving the quality and quantity of the available forage, we will also reduce depredation problems and the incidence of big game/vehicle collisions. Land control, high quality forage and security from disturbance are the key to meeting wildlife needs and minimizing wildlife depredations on adjacent private land.

As members of the Georgetown Grazing Association, the Department will be able to influence use on adjacent IDL and USFS land. One of the jobs of the habitat biologist will be to assess, control and prevent trespass on the WMA by livestock. However, managed livestock grazing and prescribed burning may be used to keep the vegetation on the winter range in the desired state of succession. If the decision is made to allow grazing by livestock, the use will be seasonally conducive to elk winter range management.

The WMA has not been grazed by livestock for two years. This gives us the opportunity to compare vegetation on ungrazed vs. grazed habitats. We will establish vegetation transects to assess plant structure, species composition and total biomass.

We may slash aspen to stimulate new growth in the aspen as well as in the associated shrub species. We will cooperate with the Regional Landowner/Sportsman Coordinator and the RMEF in aerial fertilization of up to 400 acres of shrub/grassland on the WMA. We will ask for funding from the winter feeding/depredation account to experiment with other techniques to enhance the forage quality on the winter range.

The habitat biologist will establish photo points and vegetation transects to monitor the effectiveness of habitat manipulation.

We will monitor winter recreational use in the area and cooperate with the other land management agencies in implementing area closures, if necessary.

Public Hunting

Increased motorized access on much of the ^{state and federal} ~~area~~ destroys habitat, reduces the effectiveness of security areas and detracts from a quality hunting experience for many hunters. For these reasons, project personnel will work closely with IDL, USFS and private landowners to identify important areas and to develop and implement road closures. For example, the two-track "road" that runs up Jones Canyon has been increasing in length. We propose to work with the USFS to provide a parking area and barricade this road. Proper signing will be provided. We will maintain selected hunter access roads. Project personnel may also improve facilities for non-motorized access.

Furbearer and predator trapping will be allowed.

Wildlife and Outdoor Appreciation

We have developed a farming agreement with Gary Thompson of Georgetown. He had been farming approximately 28 acres of Bingham property and grazing cattle on 70 acres. In exchange for continued use of this land, Thompson has agreed to leave 25% of his grain crop standing through the winter for use by wildlife. Thompson has also agreed to fence part of the riparian area along the Bear River to exclude his cattle. These considerations will provide waterfowl and upland game benefits.

A wide variety of game and non-game wildlife use the Georgetown Summit area. We will endeavor to increase public awareness of program and wildlife needs. We will maintain production of non-target species. Department personnel will develop and provide a WMA brochure to include a map, species lists and other pertinent information.

We will evaluate needs for habitat development for nongame wildlife and provide developments as necessary. For example, bluebird nest boxes were placed on the WMA in 1991 and we will place kestrel nest boxes. Non-target and sensitive species will be considered before habitat manipulation practices are implemented.

Appendix A
Habitat Types

Type Description	Number of Acres
Aspen type with scattered conifers. Rocky Mountain maple also common. Usually with a good forb component and pine grass common.	90
Mountain sage/snowberry/Idaho fescue habitat type. Mountain sage type with snowberry abundant and bitterbrush common. Understory a good mix of forbs and grasses.	1027
Mixed mountain brush type. Very similar to above type but with much more maple and less snowberry and mountain sage.	361
Three-tip/Idaho fescue habitat type. Three-tip sage type with good mix of understory species. Mostly located in draw bottoms.	27
Mountain sage/bluebunch wheatgrass habitat type. This mountain sage type is restricted to flat outwash areas and has received heavy cattle use in the past. It has a good mix of understory species with bluebunch wheatgrass being most common.	35
Willow and hawthorn dominated riparian area. Much of it is along the Bear River.	16
Mixture of alfalfa and grass in an area that had been farmed for hay previously.	32
Grass type almost completely dominated by Great Basin wildrye.	14
Cropland	38

Appendix B
General Species Inventory

Moose (*Alces alces*)
Elk (*Cervus elaphus*)
Mule deer (*Odocoileus hemionus*)
Coyote (*Canis latrans*)
Bobcat (*Lynx rufus*)
Black bear (*Ursus americanus*)
Badger (*Taxidea taxus*)
Striped skunk (*Mephitis mephitis*)
River otter (*Lutra canadensis*)
Mink (*Mustela vison*)
Weasel (*Mustela* spp.)
Cottontail rabbit (*Sylvilagus nuttallii*)
Black-tailed jackrabbit (*Lepus californicus*)
Beaver (*Castor canadensis*)
Yellow-bellied marmot (*Marmota flaviventris*)
Golden-mantled ground squirrel (*Spermophilus lateralis*)
Northern pocket gopher (*Thomomys talpoides*)
Deer mouse (*Peromyscus maniculatus*)
Mountain vole (*Microtus montanus*)
Sagebrush vole (*Lagurus curtatus*)
Chipmunk (*Eutamias* sp.)
Porcupine (*Erethizon dorsatum*)
Richardson's ground squirrel (*Spermophilus richardsonii*)
Bushy-tailed wood rat (*Neotoma cinerea*)
Merriam shrew (*Sorex merriami*)
Blue grouse (*Dendragapus obscurus*)
Sage grouse (*Centrocercus urophasianus*)
Sharp-tailed grouse (*Pedioecetes phasianellus*)
Ruffed grouse (*Bonasa umbellus*)
Golden eagle (*Aquila chrysaetos*)
Swainson's hawk (*Buteo swainsoni*)
Red-tailed hawk (*Buteo jamaicensis*)
Rough-legged hawk (*Buteo lagopus*)
Northern harrier (*Circus cyaneus*)
American Kestrel (*Falco sparverius*)
Great horned owl (*Bubo virginianus*)
Black-billed magpie (*Pica pica*)
Common raven (*Corvus corax*)
American crow (*Corvus brachyrhynchos*)
Brewer's blackbird (*Euphagus cyanocephalus*)
Brown-headed cowbird (*Molothrus ater*)
Turkey vulture (*Cathartes aura*)
Mallard (*Anas platyrhynchos*)
Great blue heron (*Ardea herodias*)
Long-billed curlew (*Numenius americanus*)
Common snipe (*Gallinago gallinago*)
Yellow warbler (*Dendroica petechia*)

Yellow-rumped warbler (*Dendroica coronata*)
House sparrow (*Passer domesticus*)
Vesper sparrow (*Poocetes gramineus*)

General Species Inventory (continued)

Song sparrow (*Melospiza melodia*)
Chipping sparrow (*Spizella passerina*)
Brewer's sparrow (*Spizella breweri*)
Dark-eyed junco (*Junco hyemalis*)
Rufous-sided towhee (*Pipilo erythrophthalmus*)
Green-tailed towhee (*Pipilo chlorurus*)
Cassin's finch (*Carpodacus cassinii*)
House finch (*Carpodacus mexicanus*)
Evening grosbeak (*Coccothraustes vespertinus*)
American goldfinch (*Carduelis psaltria*)
Lazuli bunting (*Passerina amoena*)
Calliope hummingbird (*Stellula calliope*)
Broad-tailed hummingbird (*Selasphorus platycercus*)
Black-chinned hummingbird (*Archilochus alexandri*)
Common flicker (*Colaptes auratus*)
Eastern kingbird (*Tyrannus tyrannus*)
Western kingbird (*Tyrannus verticalis*)
Western wood pewee (*Contopus sordidulus*)
Horned lark (*Eremophila alpestris*)
Violet-green swallow (*Tachycineta thalassina*)
Bank swallow (*Riparia riparia*)
Black-capped chickadee (*Parus atricapillus*)
Sage thrasher (*Oreoscoptes montanus*)
Robin (*Turdus migatorius*)
Northern shrike (*Lanius excubitor*)
European starling (*Sturnus vulgaris*)
Common garter snake (*Thamnophis sirtalis*)
Western terrestrial garter snake (*Thamnophis elegans*)
Great basin rattlesnake (*Crotalus viridis*)
Gopher snake (*Pituophis melanoleucus*)
Rubber boa (*Charina bottae*)
Sagebrush lizard (*Sceloporus graciosus*)
Short-horned lizard (*Phrynosoma douglasii*)
Western toad (*Bufo boreas*)
Cutthroat trout (*Salmo clarki*)
Rainbow trout (*Salmo gairdneri*)
Brown trout (*Salmo trutta*)
Carp (*Cyprinus carpio*)
Mountain whitefish (*Prosopium williamsoni*)
Utah chub (*Gila atraria*)
Longnose dace (*Rhinichthys cataractae*)
Speckled dace (*Rhinichthys osculus*)
Redside shiner (*Richardsonius balteatus*)
Utah sucker (*Catostomus ardens*)
Mountain sucker (*Catostomus platyrhynchus*)
Mottled sculpin (*Cottus bairdi*)

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
11-04071)
_____)
_____)
State of Idaho)
County of Bear Lake)

AFFIDAVIT

RECEIVED

DEC 02 1994

Department of Water Resources

Marlyn B. Knudsen being first duly sworn, deposes and says:
I, Marlyn Knudsen state from my personal knowledge that use of
domestic and stock water for claim #11-04071 has been used since
the date of priority of June 1, 1910 on the following lands:
T 10S, R 43E, Sec 10 NWSE. My personal knowledge of the use is
watering the wildlife, and when cattle and sheep were on there it
was used for watering holes for livestock.

Marlyn B. Knudsen
(Signature)

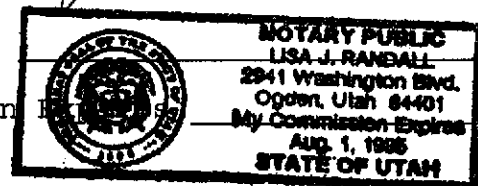
Subscribed and sworn to before me this
day 9 of Nov, 1994.

Lisa J. Randall
(Notary Public)

Residing at

My Commission Expires

Seal



WARRANTY DEED

THIS INDENTURE is made and entered into this 6 day of March, 1991, by and between ROCKY MOUNTAIN ELK FOUNDATION, INC., a Montana non-profit corporation, Grantor, with principal offices at 2291 West Broadway, Missoula, Montana 59807-8249, and the Idaho Department of Fish and Game, Grantee, with principal offices at P.O. Box 25, Boise, Idaho 83707.

WITNESSETH

That the Grantor, pursuant to resolution of its Board of Directors, duly and regularly adopted, has bargained and sold and by these presents does grant, bargain, sell, assign, transfer, convey, and confirm unto the Grantee, its successors and assigns forever, the following described real property situated in the County of Bear Lake, State of Idaho, to-wit:

Section 10, Township 10 South, Range 43 East of the B.M.:

Beginning at the Southeast Corner of Section 10, and running thence West 3649 feet, more or less, to a point 1631 feet East of the Southwest Corner of said Section 10;
 thence North 52° East 600 feet;
 thence North 38°45' East 1500 feet;
 thence North 55° East 525 feet;
 thence North 47° East 397 feet to point on Jones Canyon Road;
 thence up canyon North 12°30' East 618 feet;
 thence North 40°30' East 1228 feet;
 thence North 57°30' East 204 feet;
 thence North 34° East 420 feet;
 thence North 64° 15' East 140 feet to Forest Boundary on East line of said Section 10;
 thence South along East section line to Southeast Corner; the point of beginning.

Section 15, Township 10 South, Range 43 East of the B.M.:

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$).
 The Southeast Quarter (SE $\frac{1}{4}$).

Section 22, Township 10 South, Range 43 East of the B.M.:

N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM:

Commencing at the NW Corner of Section 22;
 thence North 89°56' East 2640 feet;
 thence South 1020 feet to the Northwest Corner of the herein described tract of land for the TRUE POINT OF BEGINNING;

thence South 300 feet;
 thence North 89°56' East 300 feet;
 thence North 300 feet;
 thence South 89°56' West 300 feet to the point of
 beginning.

Section 28, Township 10 South, Range 43 East of the B.M.:

N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPTING
 THEREFROM: 50 feet Northeast and 50 feet Southwest of
 the center line of the Oregon Short Line Railway.

Section 34, Township 10 South, Range 43 East of the B.M.:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the North 33 rods of
 NE $\frac{1}{4}$ NE $\frac{1}{4}$.

TOGETHER WITH ALL AND SINGULAR the tenements,
 hereditaments, and appurtenances thereunto belonging or in
 anywise appertaining, and all the estate, right, title,
 interest, claim, or demand whatsoever of the Grantor, either in
 law or equity of, in and to the above bargained premises.

TO HAVE AND TO HOLD the said premises above bargained and
 described with the appurtenances, unto the Grantee, its
 successors and assigns forever.

The Grantor, for itself, its successors and assigns, does
 covenant, grant, its successors and assigns, that it is seized
 of the premises conveyed in fee simple, and has good right,
 title, lawful authority to grant, bargain, sell, and convey the
 same; and, that the premises are free and clear of all former
 or other grants, bargains, sales, liens, taxes, assessments,
 and encumbrances of any kind whatsoever, except the following:

(i) A patent in which the United States of America
 reserved all uranium, thorium, or any other material which
 is or may be determined to be peculiarly essential to the
 production of fissionable materials, dated November 2,
 1949, and recorded on February 2, 1951, in Book 42 of
 Deeds, Page 489, as Instrument No. 64786, Records of Bear
 Lake County, Idaho (affects the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15,
 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22);

(ii) A patent in which the United States of America
 reserved all coal and other minerals, together with the
 right to prospect for, mine, and remove the same, dated
 July 7, 1928, and recorded October 8, 1928, in Book 30 of
 Deeds, page 349, as instrument No. 32047, records of Bear
 Lake County, Idaho (affects the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34);

(iii) A patent in which the United States of America reserved all coal and other minerals, dated April 19, 1929, and recorded January 25, 1947, in Book 39 of Deeds, page 613, as instrument No. 59011, records of Bear Lake County, Idaho (affects the NE¼, S¼NW¼, NE¼SW¼, N¼SE¼, and the SE¼SE¼ of Section 10);

(iv) A Right of Way Contract granted to Pacific Northwest Pipeline Corporation, recorded July 12, 1955, in Book 8 of Miscellaneous, page 98, as Instrument #70583, records of Bear Lake County, Idaho (affects property in Sections 27, 34, and 35);

(v) A Right of Way Contract granted to Northwest Pipeline Corporation, recorded October 4, 1955, in Book 8 of Miscellaneous, page 228, as Instrument #70998, records of Bear Lake County, Idaho (affects property in Section 22);

(vi) A Pole Line Easement granted to Utah Power & Light Company, recorded January 30, 1970, as Microfilm Instrument #93980, records of Bear Lake County, Idaho (affects property in Sections 22, 26, and 35);

(vii) A Right of Way Easement granted to Idaho Power Company, recorded November 12, 1971, as Microfilm Instrument #97186, records of Bear Lake County, Idaho (affects property in Sections 10, 15, and 22);

(viii) A reservation by Lowell G. Smart of 50% of all oil, gas, and mineral rights appertaining to the portions of the Property in Sections 22, 26, 27, 28, 34, 35, and the SE¼ of Section 15, as revealed by a Memorandum of Real Estate Contract recorded April 22, 1981, as Microfilm Instrument #124491, records of Bear Lake County, Idaho;

(ix) A reservation by Marilyn Bollar of an undivided 1/2 of all Oil, Gas, Mineral, and Geothermal Rights appurtenant to the portions of the Property in Section 10 and the N¼ of Section 15, as set forth in a warranty deed recorded November 20, 1987, as Microfilm Instrument #145119, records of Bear Lake County, Idaho;

(x) A grazing lease for the 1991 grazing season granted by the Seller to Albert F. Bingham and Ruth M. Bingham, husband and wife; Evan Bingham; Kent Bingham and Shirley Bingham, husband and wife; and Marlon Bingham and Rhonda Bingham, husband and wife; and

(xi) Taxes and assessments which are not yet due and payable.

The Grantor warrants and will defend the premises in the quiet and peaceable possession of the Grantee, its successors,

and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused this indenture to be executed by its duly authorized officers, and its corporate seal to be hereunto affixed, the day and year in this instrument first above written.

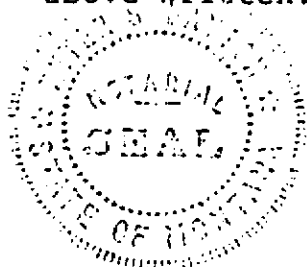
ROCKY MOUNTAIN ELK FOUNDATION, INC.

By *Robert W. Munson*
Robert W. Munson
Executive Director

STATE OF MONTANA)
COUNTY OF MISSOULA) ss.

On this 29th day of JANUARY, 1991, before me, the undersigned notary public in and for said State, personally appeared Robert W. Munson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Dee S. Davis
Notary Public for the State of MONTANA
County of MISSOULA
My commission expires 14 APRIL 1993.

0041L

BEAR LAKE COUNTY RECORDER
JAN R. EBORN
91 MAR 6 PM 1 46
Cindy Oyer
DEPUTY FEE \$12.00

152077



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

September 12, 1976

Ms. Marilyn Smart
Box 29
Georgetown, Idaho 83239

Dear Ms. Smart:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office can be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Regional Supervisor

Enclosure

August 18, 1978

RE: Two Water Right Claims, No. 11-4071 and No. 11-4070

The News Examiner
P.O. Box 728
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RON CARLSON, Supervisor

Bill submitted 9.11.78 by dh

dh
2 Enclosures

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4071

Notice is hereby given that Marilyn Smart, Georgetown, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.08 cubic feet per second ~~acre feet per annum~~
of water from 2 unnamed springs tributary to sinks
with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points), Sec. 10, T. 10S, R. 43E, B.M.,
Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes and from May 1 to Nov. 31 for stockwatering for 1200 sheep, 50 cows,
4 horses
with a priority of 1910;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 10S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

~~Rxxx~~ KEITH HIGGINSON
C. STEPHEN ALLRED
Director

Published in the News-Examiner, Montpelier, Idaho
on Aug. 24 and Aug. 31, 1978

C
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Y

August 21, 1978

RE: Applications for Permit - No. 11-4070 and 11-4071

Lowell and Marilyn Smart
Box 29
Georgetown, Idaho 83239

Dear Lowell and Marilyn Smart:

Attached herewith is Departmental receipt No. 11505 in the amount of \$40.00 for the two above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Division

RDC:dh
Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

August 9, 1978

Mr. Lowell Smart
Ms. Marilyn Smart
Box 29
Georgetown, Idaho 83239

Dear Mr. Smart:

In view of the information you provided during our telephone conversation this day, the Department is returning the applications for permits you recently submitted and checks No. 92-127 totalling \$45.00.

Also enclosed you will find two blank claim forms and two rough draft claims to water rights completed by me from information provided on your original applications.

Please review the rough drafts and make any necessary changes. Be sure to indicate a priority date as specified in Item 1. When you feel the rough drafts are in proper form, transfer the information to the blank claim forms, then sign these forms in the presence of a notary and forward them to our office with the statutory fee of \$20.00 per claim.

Should you have any questions concerning this matter, please feel free to contact me.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosures

Attachment: 3 checks No. 92-127
\$10.00, \$10.00 & \$25.00