

OCT 22 2024

**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 BEAR RIVER BASIN WATER SYSTEM****CIVIL CASE NUMBER: 79576**

Claim ID: 13-2067

Date Received: 10/22/2024

Receipt No: N/A

Claim Fee: N/A By: cls

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW****Please type or print clearly**

1. Name of claimant(s) United States on behalf of USFWS Phone (503) 231-6167
Mailing address USDOJ, 550 West Fort Street, MSC 033 Boise Idaho Zip 83724
Street or Box City State
Email address (optional) Rachel_Esralew@fws.gov
2. Date of priority: (Only one per claim) 5/22/1915 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Oxford Creek
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 13S, Range 38E, Section 28,
NE 1/4 of NE 1/4, Govt. Lot _____, BM, County of Franklin
Parcel no. RP00350.00
Additional points of diversion, if any: _____
If available, GPS Coordinates -112.017092, 42.270216 (WGS84)
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

See Addendum A for details.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 01/01 to 12/31 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Water is used to irrigate approximately 40 acres of land to grow hay, alfalfa, and grass.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	27							23	2									25
13S	38E	28				15													15

Parcel no(s). RP00344.00; RP00350.00

Total number of acres irrigated 40

10. In which county(ies) are lands listed above as place of use located? Franklin

11. Do you own the property listed above as place of use? Yes (☒) No (☐)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

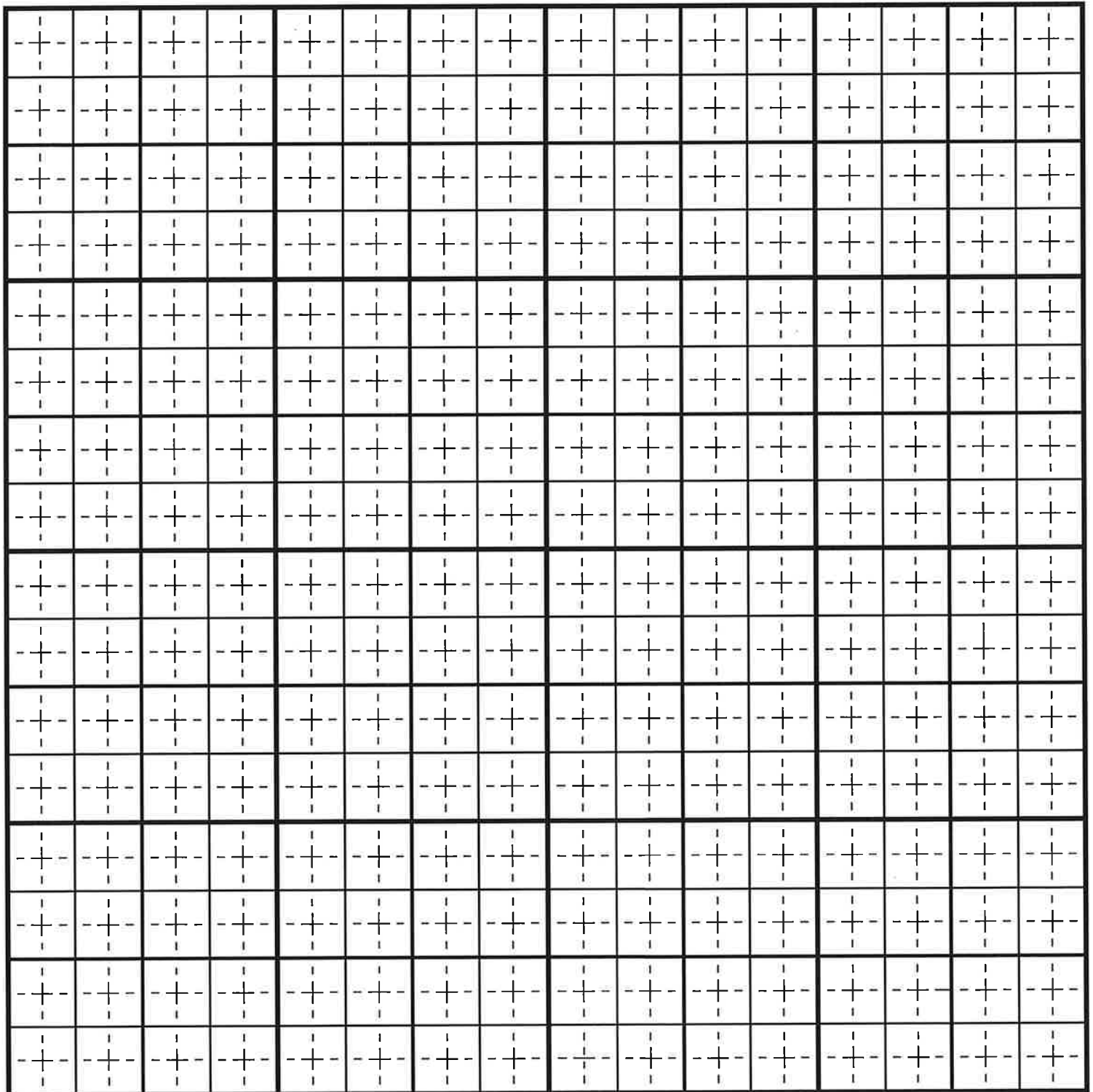
See Addendum A for more information regarding Questions #2, #4, #5, #6, and #9.

Name of claimant(s) U.S. Fish and Wildlife Service

Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) U.S. Fish and Wildlife Service Claim ID

14. Basis of claim (Check one) Beneficial Use () Posted Notice (✓) License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-2067

(Originally License No. 11273)

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2 Addendums / 2 Maps / Title Docs / Change in Water Right Ownership / Notice of Appearance

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Water Resources Branch Chief of U.S. Fish and Wildlife Service, Region 1
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 10/18/2024

Printed Name of Authorized Agent Rachel Esralew

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) U.S. DOJ - see attached Entry of Appearance, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) U.S. Fish and Wildlife Service

Claim ID _____

Addendum A for Claim 13-2067

U.S. Fish and Wildlife Service (FWS)

Regarding Questions #2

Priority Date.

The priority date of 05/22/1915 is established from the water right application date associated with Water License No. 11273, which is the parent right for 13-2067, the basis of this claim. The application date is indicated in License 11273 on page 8 of the 'Water Right Backfile' archived in the IDWR water right records associated with 13-2067. Page 11 of the backfile document shows that the water right application was also received by the State Engineer's office on 05/22/1915. Note that the priority date claimed in this claim differs from the priority date currently listed in the IDWR 'Water Right Report' document for 13-2067.

Regarding Questions #4 and #5

Point of Diversion and Description of Diversion Works.

The point of diversion (POD) for this right is located along a 'feeder ditch' that conveys water from Oxford Creek eastward to a storage reservoir (the 'Oxford Reservoir') in Township 13S, Range 38E, B.M.¹ Oxford Creek water is diverted from the ditch at the POD through a 24" corrugated metal pipe by adjusting a slide gate along the ditch. The water is conveyed briefly southward into a small pond near the ditch where it is impounded or released into another diversion pipe that conveys water to the place of use about ¼ mile to the south and east of the pond.

The location of the POD in the NE ¼ NE ¼ of Section 28, T 13S, R 38E, is a change from the POD locations indicated in the water right that is the basis for this claim, License No. 13-2067², to more accurately reflect where water is diverted from the feeder ditch into the Oxford Slough Waterfowl Production Area. In practice, the new POD functions as a 're-diversion' of water sourced from Oxford Creek at the northernmost of the two original PODs. The PODs are currently managed by the Oxford Water District.

Regarding Questions #6 and #9

Place of Use (POU) and Flow Rate. An administrative split is required for 13-2067 to split the POU described in the water right into multiple parts that reflect appurtenance to several properties, one of which is owned by the FWS³. The split is performed using the POU described and authorized in the parent right for 13-2067, License No. 11273. The total POU in License 11273 consists of 160 acres⁴ and

¹ The 'feeder ditch' starts on Oxford Creek in the NE ¼ SE ¼ of Section 20, R 13S, T 38E, B.M. and runs about 2 miles eastward before terminating at the storage reservoir in the NW ¼ SW ¼ of Section 22 in the same Township/Range.

² There are two points of diversion listed in water right 13-2067, one in the NE ¼ SE ¼ of Section 20, R 13S, T 38E, and one in the SW ¼ NE ¼ of Section 29 in the same Township/Range.

³ The FWS owns parcel RP00344.00 in Franklin County which is the original parcel appurtenant to 13-2067. As described later, the FWS is changing the POU to cover two parcels which FWS both owns: RP00344.00 and RP00350.00.

⁴ The total POU for 13-2067 includes fragments in PLSS sections 15, 23, and 27, all within T 13S, R 38E, B.M.