

RECEIVED
DEC 08 2023
DEPARTMENT OF
WATER RESOURCES

**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: 11-104

Date Received: 12/8/23

Receipt No: _____

Claim Fee: _____ By: S.O.

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

- 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 (Agent of the FWS)
- Date of priority: (Only one per claim) 05/15/1880 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) Thomas Fork
which is tributary to (b) Bear River
- a. Location of point of diversion is: Township 13S, Range 46E, Section 28,
NW 1/4 of NE 1/4, Govt. Lot 7, BM, County of Bear Lake
Parcel no. POD: RP13S46E280000 (AIN # 04426.01)
Additional points of diversion, if any: _____
If available, GPS Coordinates -111.080335, 42.269152 (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 _____
- 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.

The POD is a diversion dam north of FWS property operated by the Thomas Fork Irrigation Company to manage flows in the Thomas Fork. Diverted water flows southward through a canal system approximately 3 miles before entering the place of use at the northern edge of the FWS property boundary.

6. Water is claimed for the following purposes:

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

For Wildlife purposes from 01/01 to 12/31 amount 13.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 13.0 (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 maintain and enhance approximately 840 acres of wetland habitat for waterfowl and colonial nesting birds.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
14S	46E	4												W					
14S	44E	9	W	W	W	W	W			W					W	W	W	W	
14S	44E	10	W	W	W	W	W	W	W	W	W	W			W	W			
14S	44E	11						LT 1 W	LT 2 W			LT 3 W							

Parcel no(s). RP14S46E046000; RP14S46E090000;
RP14S46E100000; RP14S46E113000

Total number of acres irrigated _____

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

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, #6, and #9.

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

Claim ID _____

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Claim ID _____

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

Court Fifth District Court Decree Date 02/20/1902 Plaintiff v. Defendant

"Fawsett Brothers" et al. vs.
Thomas Fork Irrigation and
Canal Company et al.

If applicable provide IDWR Water Right Number 11-104 (Decreed Right)

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: Addendum / 3 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.

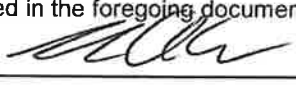
Signature of Claimant (s) _____ Date: _____

_____ 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  Date 12/7/2023

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 _____



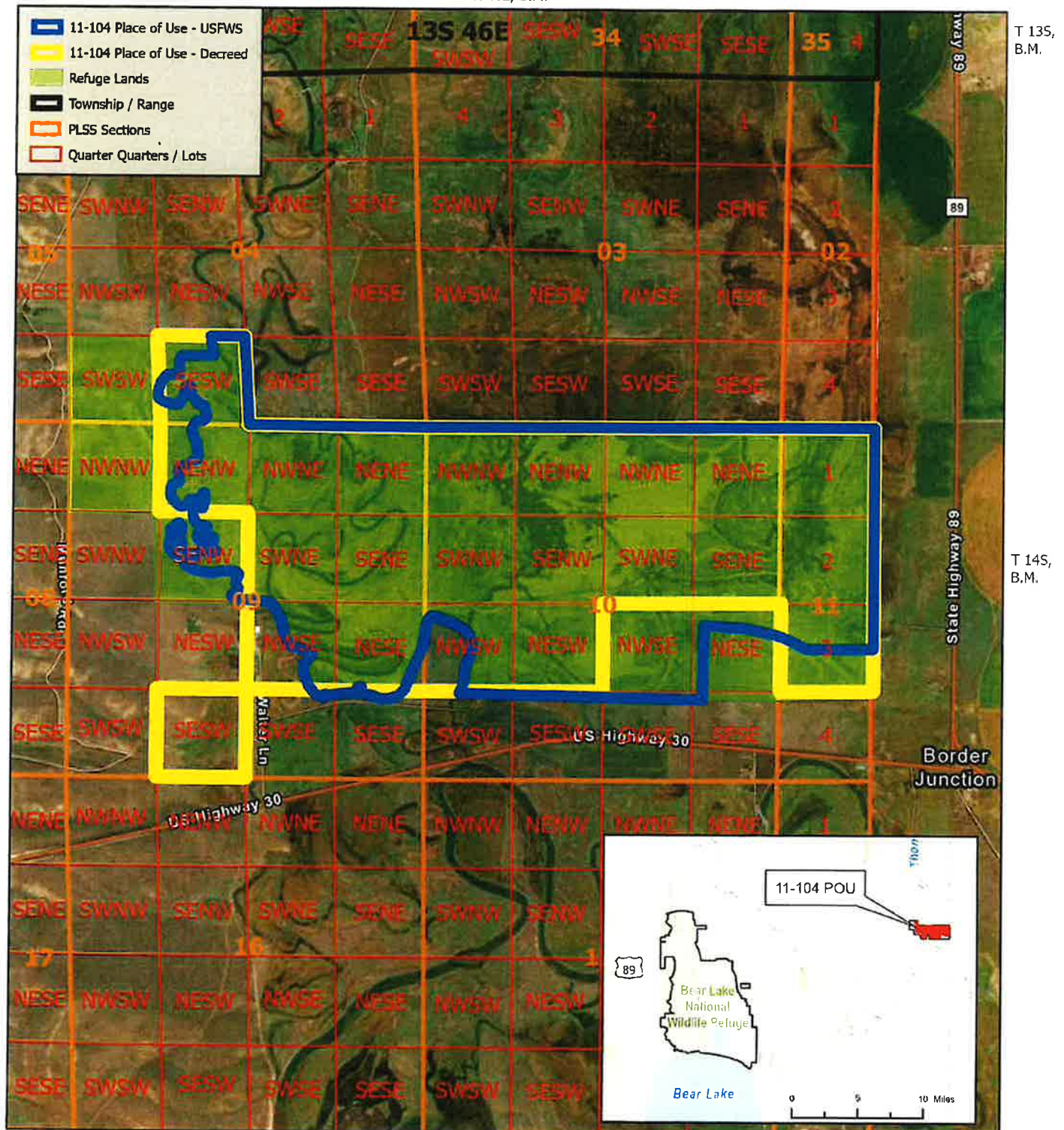
NATIONAL
WILDLIFE
REFUGE SYSTEM



Bear Lake National Wildlife Refuge

Claim 11-104

R 46E, B.M.



PRODUCED BY THE PACIFIC REGION'S WATER RESOURCES BRANCH
U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
PORTLAND, OREGON
MAP DATE: 11/03/2023

DATA SOURCES:
Bakertip- Esri, Maxar, Earthstar Geographics, and the GIS User
Community; Refuge Lands' Layer: U.S. Fish and Wildlife Service,
National Wildlife Refuge System; Division of Realty; Bear Paw Logo:
snookimg.com

0 0.5 1 1.5 2
Miles





**NATIONAL
WILDLIFE
REFUGE SYSTEM**



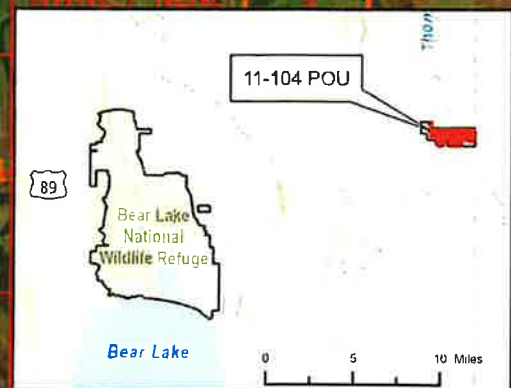
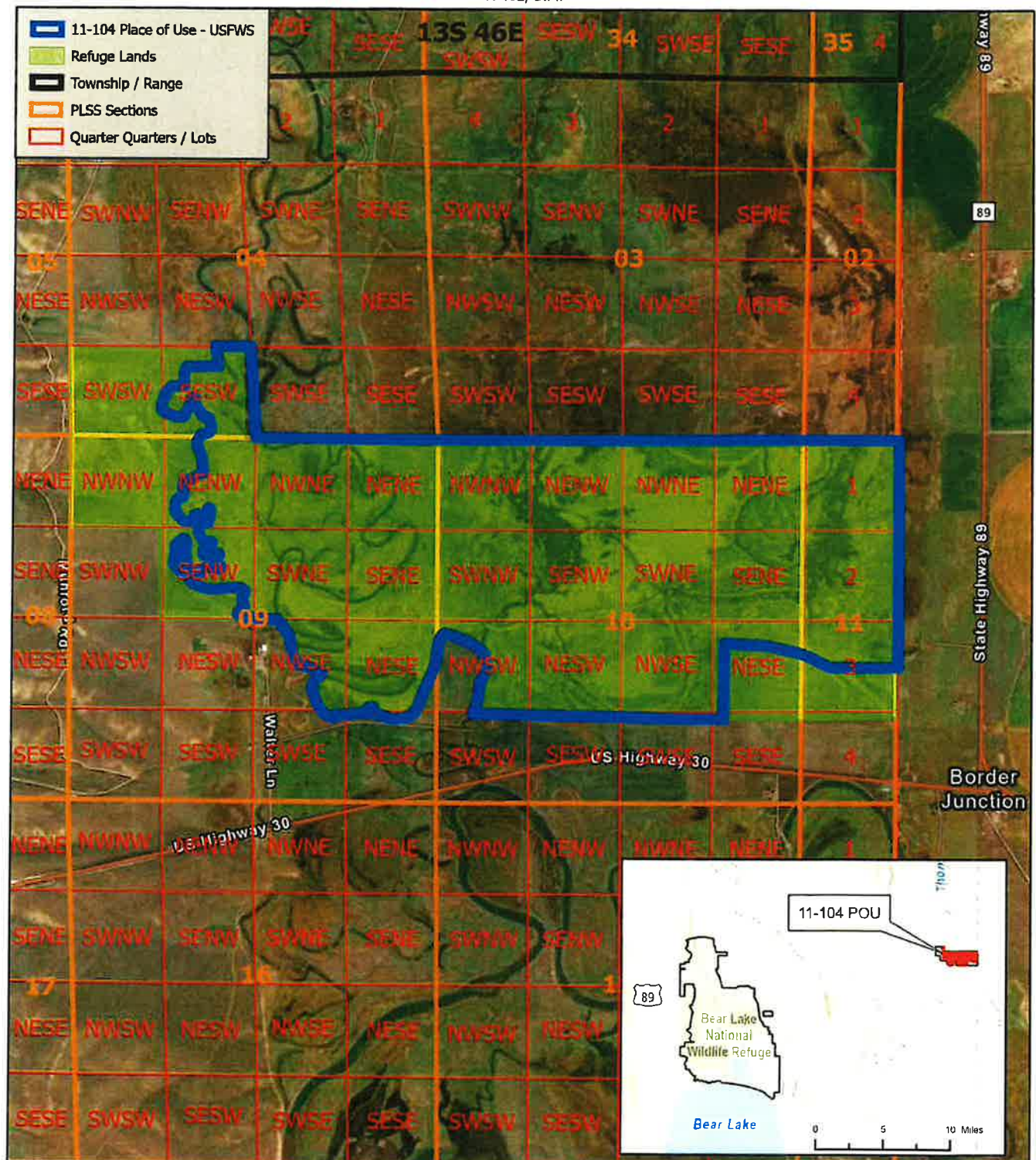
Bear Lake National Wildlife Refuge

Claim 11-104

R 46E, B.M.

T 13S,
B.M.

T 14S,
B.M.



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U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
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DATA SOURCES:
Bresnap, Esri, Maxar, Earthstar Geographics, and the GIS User
Community; 'Refuge Lands' Layer: U.S. Fish and Wildlife Service,
National Wildlife Refuge System, Division of Realty; Bear Paw Logo:
sackpng.com





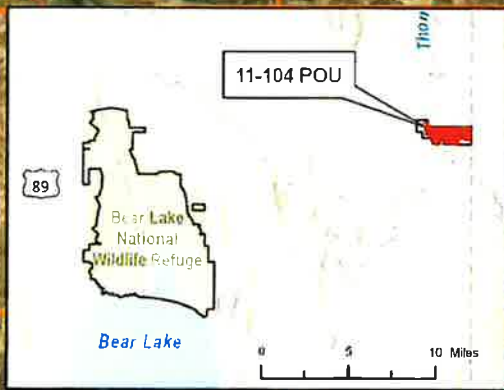
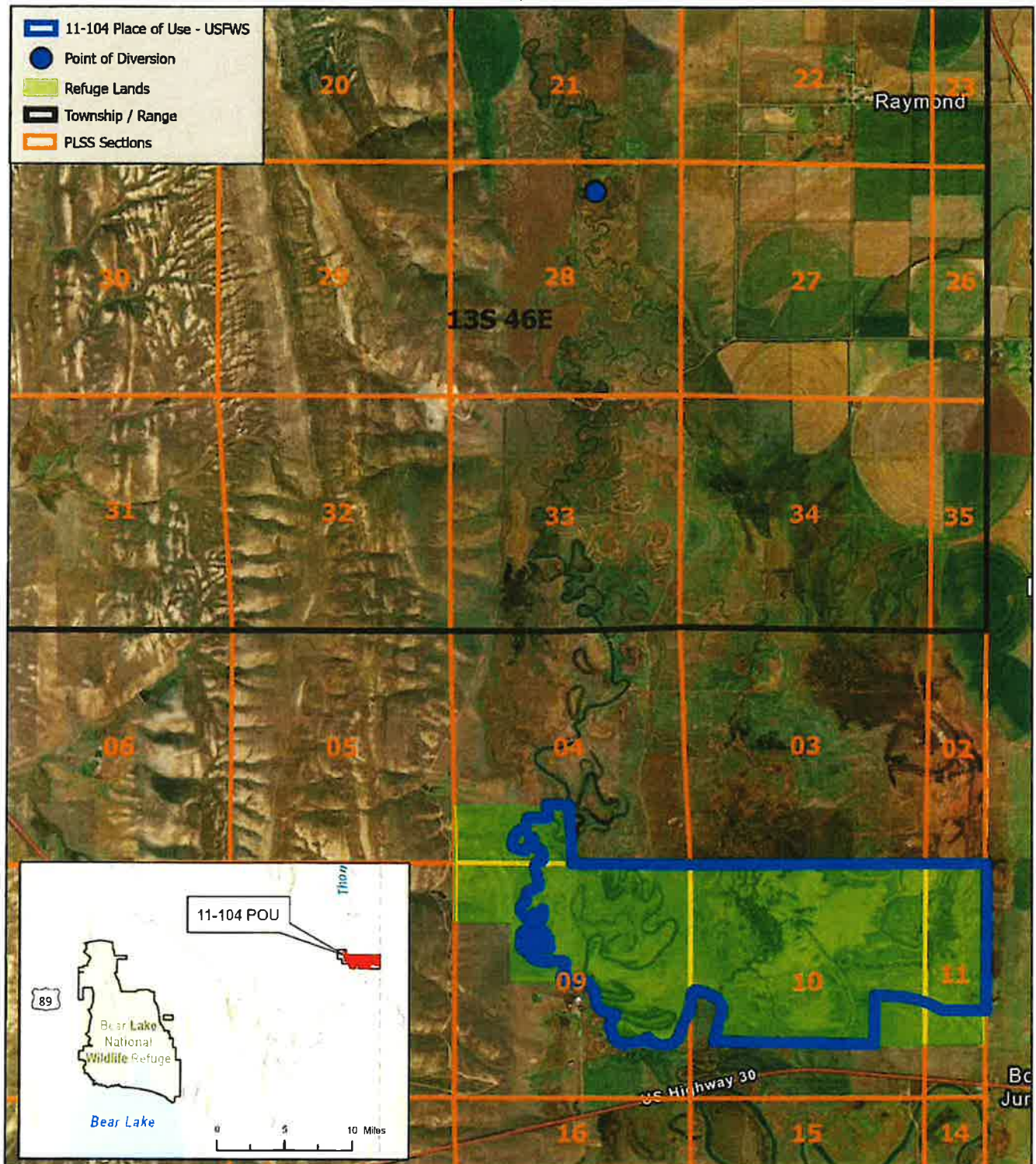
**NATIONAL
WILDLIFE
REFUGE SYSTEM**



Bear Lake National Wildlife Refuge

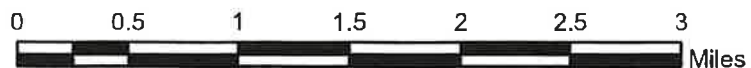
Claim 11-104

R 46E, B.M.



PRODUCED BY THE PACIFIC REGION'S WATER RESOURCES BRANCH
U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
PORTLAND, OREGON
MAP DATE: 11/03/2023

DATA SOURCES:
Basemap- Esri, Maxar, Earthstar Geographics, and the GIS User
Community; 'Refuge Lands' Layer: U.S. Fish and Wildlife Service,
National Wildlife Refuge System, Division of Realty; Bear Paw Logo:
seekpng.com



Addendum A for Claim 11-104

U.S. Fish and Wildlife Service (FWS)

Regarding Question #2

The priority date of 5/15/1880 was decreed in 1902 in "'Fawsett Brothers" et al. vs. Thomas Fork Irrigation and Canal Company et al.' The decreed priority date in the decree differs from the priority date of 5/15/1890 currently listed for water right 11-104 in the IDWR water right database, but we assume that the database contains a clerical error.

Regarding Questions #6 and #9

Purpose of Use. Water is claimed for the purpose of wildlife, which more accurately reflects how water is used at the Bear Lake National Wildlife Refuge than the decreed purposes of agriculture and stock.

Period of Use. No period of use is identified in the decree. However, page 4 of the document indicates that decreed parties may use water beneficially for 'agricultural' and 'stock raising purposes.' Although agricultural needs may be fulfilled with water diverted during the irrigation season only, stock require water throughout the entire year, so this suggests that the period of use is year-round. The period of use claimed is 01/01 to 12/31.

Place of Use (POU) and Flow Rate. The POU is described under party '(o) C. Webster and S.L. Lewis' in the decree as 'containing 880 acres of land.' The description may contain a clerical error on lines 6 and 7 as it indicates that the SE ¼ SW ¼ of Section 9, T 14S, R 46E, B.M. is part of the POU. However, when mapped, this quarter-quarter is generally disconnected from the rest of the POU and appears misplaced. Based upon analysis of aerial imagery and evaluation of the overall shape of the rest of the POU, it is likely that the correct quarter-quarter is the SE ¼ NW ¼ of Section 9 instead. When accounting for this correction, approximately 840 acres of the decreed POU is appurtenant to FWS lands.

An administrative split is required for this water right to split the corrected POU into two parts that reflect appurtenance to multiple properties, one of which is owned by the FWS. The decreed POU consists of 880 acres and the part appurtenant to FWS property is about 840 acres, or 95.5%, of the total decreed POU. The FWS portion of the decreed POU is depicted on the map attached with this claim. The other part of the decreed POU is currently owned by Thomas Fork Ranch, LLC, according to a map of parcels in Bear Lake County.¹

Per page 6 of the decree, the flow rate allocated for irrigation in the decreed POU is 13.6 cfs.² The flow rate the FWS claims, 13.0 cfs, reflects the number of acres within the decreed POU that are on FWS property as a proportion of the total number of acres identified in the decreed POU:

$$840 \text{ acres} / 880 \text{ acres} = 0.955 \quad \rightarrow \quad 0.955 \times 13.6 \text{ cfs} = \mathbf{13.0 \text{ cfs}}$$

¹ Website for Bear Lake County Parcel Map:

<https://experience.arcgis.com/experience/80eab38489484e0f96eca9880942a2d4/>

² Party (o), 'C. Webster,' identified on page 6 of the decree under water right 11-104, is to receive a maximum allocation of '13-3/5 second feet...diverted from Thomas Fork Irrigation Co's canal, of date May 15th-1880.'

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
11-104	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: DeWitt and Marie Feller (listed in IDWR database); US Dep't of Agriculture; Rolf and Elizabeth Esche
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): United States on behalf of USFWS

New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

USDOJ, 550 West Fort Street, MSC 033 Boise ID 83724
Mailing address City State Zip

(503) 231-6167 Rachel_Esralew@fws.gov
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: Multiple: 01/30/1984; 11/16/1995; 11/06/1997
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
- o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- o \$25 per *undivided* water right.
- o \$100 per *split* water right.
- o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:  Water Resources Branch Chief 12/7/2023
Signature of new owner/claimant Region 1, Columbia Pacific Northwest Date
Rachel Esralew U.S. Fish and Wildlife Service

Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

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WATER RESOURCES

EXHIBIT A
FmHA INVENTORY
ROY GLEED FARM

Conservation Easement Reservation in the United States

By this instrument there is reserved in the UNITED STATES OF AMERICA, its successors and assigns, a perpetual conservation easement on the property conveyed by this deed.

This easement is under the authority and in furtherance of the provisions of federal law, including sections 331 and 335 of the Consolidated Farm and Rural Development Act (7 U.S. C. 1981, 1985), Executive Order 11990 providing for the protection of wetlands, and Executive Order 11988 providing for the management of floodplains. The restrictions and covenants contained in this easement constitute a perpetual servitude on and run with the property. The Grantee and all successors and assigns ("landowner") under this deed covenants with the United States to do or refrain from doing, severally and collectively, the various acts mentioned later in this easement. The United States is reserved the rights enumerated in this easement for itself and its successors, agents and assigns.

I. Description of the Easement Area and Access Thereto:

The area subject to this Conservation Easement, referred to herein as the "easement area" is described as follows: The easement area is shown on Exhibit B, enclosed. The three parcels have been flagged to facilitate the FmHA's official survey.

Parcel A is the wetland pasture in the northern part of the Gleed property. The entire area (about 9 acres) includes a three-acre farmed parcel which would be used as an upland food plot and planted to dense waterfowl nesting cover for a buffer area within the wetland. If the FmHA will not grant the upland portion of the parcel A easement, then a 20-foot access corridor to the upland area should be surveyed along the western fence line for the farmer to access the 3-acre upland parcel. An access corridor for the Fish and Wildlife Service (FWS) to reach the parcel A easement should be surveyed along the western fence line with entry through the existing gate.

Parcel B is the wetland south of Lanark road, running across the property from NW to SE corner, identified as field 4 on the enclosed location map. The eastern most portion of this field contains a farm pond with a pump for irrigation water. Parcel B is about 8 acres in size (the center part of field 4, which is 13.5 acres).

Parcel C is the wetland in the southwest corner of the property, which is about 7 acres in size and consists of seasonally and semipermanently flooded emergent wetland.

And this easement area being a part of that tract of land conveyed from Roy M. and Betty W. Gleed to Farmers Home Administration by deed dated August 28, 1991, which deed is recorded in the land records of Bear Lake County, State of Idaho, said tract being referenced herein as the "servient estate."

Without limiting the general and specific rights of access in paragraph III-A, for access to the easement area, a right of way for an existing road over the above referenced servient estate as follows:

Reference Exhibit B. Access corridors to easement parcels are drawn in green.

The above right of way shall be sufficiently wide (not to exceed 30 feet) to accommodate access by vehicles and equipment deemed necessary or desirable to the Grantee for easement management. Any costs associated with road construction and maintenance shall be shared by the landowner and the Grantee commensurate with their respective levels of use. In the event that the location of a road or a trail becomes impractical due to erosion, Acts of God, or other cause, said locations can be reasonably adjusted to accommodate access in accordance with the rights of paragraph III-A herein.

II. Covenants by the Landowner

- A. No dwellings, barns, outbuildings other structures shall be built within the easement area.
- B. The vegetation or hydrology of the described easement area will not be altered in any way or by any means or activity on the property conveyed by this deed, property owned or under the control of the landowner, including (1) cutting or mowing; (2) cultivation; (3) grazing beyond the purview of the grazing plan, (4) harvesting wood products; (5) burning; (6) placing of refuse, wastes, sewage, or other debris; (7) draining, dredging, channeling, filling, discing, pumping, diking, impounding and related activities, or (8) diverting or affecting the natural flow of surface or underground waters into, within, and out of the easement area.
- C. Notwithstanding the provisions of paragraph II-B above, the landowner shall be responsible for compliance with all federal, state and local laws for the control of noxious or other undesirable plants on the easement area. The responsibility for such plant control may be assumed in writing by and at the option of the easement manager where the control or manipulation of such plants is deemed by the manager to affect easement management programs or policies.

Cattle or other stock shall only be permitted on the easement area, in accordance with a grazing plan, except that the easement manager shall permit access to and use of waters within the area necessary for stock watering under such terms and conditions as the easement manager deems necessary to protect and further the purposes of this easement, provided:

- (1) the easement manager bears the cost of building and maintaining fencing or other facilities reasonably necessary to preclude stock from entering the easement area; and
- (2) access for stock watering need not be permitted where other waters are reasonably available from other sources outside the easement area.
- (3) a grazing plan will be worked out with the Soil Conservation Service and attached as covenant II.E.

III. Rights Reserved in the United States

The United States, on behalf of itself, its successors or assigns, reserves and retains the right, at its sole discretion, to manage the easement area including the following authorities:

- A. The right of ingress and egress to conduct wetlands management, monitoring, and easement enforcement activities. The easement manager may utilize any reasonably convenient route of access to the easement area. However, the landowner may provide a designated route to and from the easement area so that damage to farm operations can be reasonably avoided.
- B. The right to install, operate, and maintain structures for the purpose of reestablishing, protecting, and enhancing wetlands functional values including the taking of construction materials to and from said sites.
- C. The right to establish or reestablish vegetation through seedlings, plantings, or natural succession.
- D. The right to manipulate vegetation, topography and hydrology on the easement areas through diking, pumping, water management, excavating, island construction, burning, cutting, pesticide application, fertilizing, and other appropriate practices.
- E. The right to conduct predator management activities.
- F. The right to construct and maintain fences in order to manage grazing or other types of encroachment on the easement area.
- G. Notwithstanding permissive provisions of State or Federal law, the right to prohibit or regulate hunting or fishing or other taking of migratory birds, fish and wildlife. This right to prohibit any of these activities shall be effected by (1) the easement manager posting the area, or (2) otherwise giving notice of the prohibitions to the landowner.

IV. Easement Management and Administration (Provision to be used for management by the U.S. Fish and Wildlife Service.)

- A. All right, title and interests of the United States in this easement

are assigned to the Secretary of the Interior for administration by the United States Fish and Wildlife Service as part of the National Wildlife Refuge System pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd et. seq. The U.S. Fish and Wildlife Service may enforce all the terms and conditions of this easement, along with exercising all rights and powers reserved in this easement through such general or specific regulations or orders as have been or may be, from time to time, promulgated under the authority of the Secretary of the Interior. Notwithstanding the above rights in paragraph(s) III. A through G retained by the United States, the U.S. Fish and Wildlife Service may permit the landowner to pursue such activities on said sites as would be consistent with the preservation and enhancement of floodplain and wetlands functional values.

- B. As used in this easement, the term "easement manager" shall refer to the authorized official of the U.S. Fish and Wildlife Service.

V. General Provisions

- A. The agreed upon purposes of this reservation are the preservation and maintenance of the wetland and floodplain areas existing as of the date of this conveyance as well as protection and enhancement of plant and animal habitat and populations. Such purposes shall constitute the dominant estate within the easement area. A "wetland" is defined by reference to Section 7(c) of Executive Order 11990 and a "floodplain" is defined by reference to Section 6(c) of Executive Order 11988. Any ambiguities in this easement shall be constructed in a manner which best effectuates wetland preservation and fish and wildlife purposes.
- B. Any subsequent amendment to or repeal of any federal law or order which authorizes this reservation shall not affect the rights reserved by the United States or subsequently held by its successors or assigns.
- C. For purposes of this easement, wetland management rights reserved by the United States include, but are not limited to, inspection for compliance with the terms of this easement; research regarding water, wetlands, fish and wildlife and associated ecology; and any other activity consistent with the preservation and enhancement of wetland functional values.
- D. The United States, its successors and assigns, including the easement manager, shall have the right to make surveys, take photographs and prepare such other documentation as may be necessary or desirable to administer the provisions of this easement. Any such map, plat or other suitable document may be recorded in the land records of the respective county in which the property is located.
- E. The easement reservation does not authorize public entry upon or use of land. Unless the easement manager prohibits public entry, the

landowner may permit it at the landowner's discretion.

- F. Subject to paragraph III-G in this easement the landowner and invitees may hunt and fish on the easement area in accordance with all federal, state and local game and fishery regulations.
- G. This easement shall be binding on the landowner, and the landowner's heirs, successors or assigns. The landowner covenants to warrant and defend unto the United States, its successors or assigns, the quiet and peaceable use and enjoyment of the land and interests in the land constituting this reservation against all claims and demands.
- H. The easement manager shall be the agent of the United States or its successors and assigns. The manager shall have all the discretionary powers of the United States under this easement. In the performance of any rights of the United States under this easement, the manager may permit, contract or otherwise provide for action by employees, agents, or assigns which may include the landowner.

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

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

UNITED STATES OF AMERICA

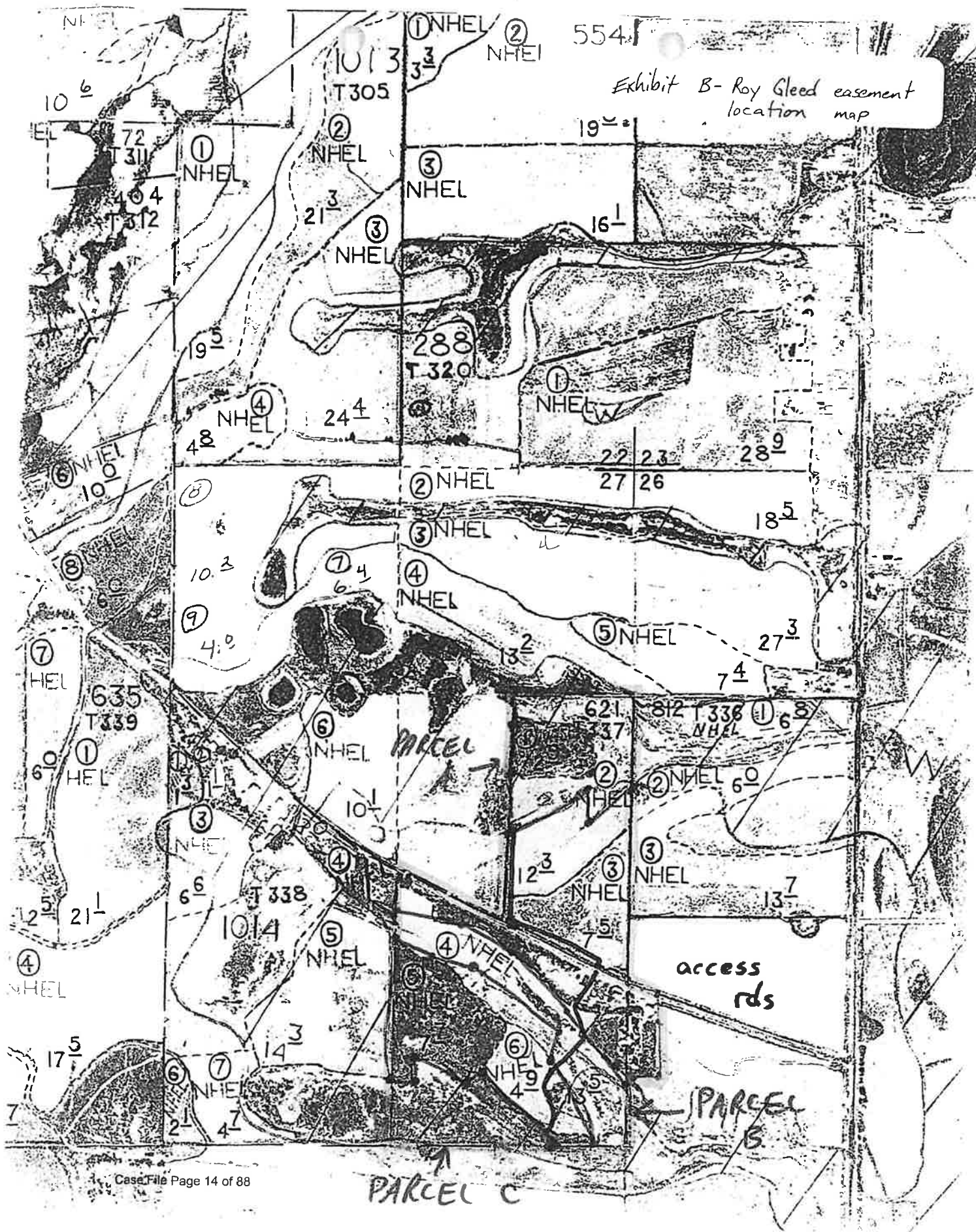
By:

~~Farmers Home Administration~~

UNITED STATES DEPARTMENT OF AGRICULTURE

ACKNOWLEDGMENT

[Form of acknowledgment to be approved by or provided by the Regional OGC.]



Legal Description:

Bear Lake County, Idaho:

Township 13 South, Range 43 East of the Boise Meridian:

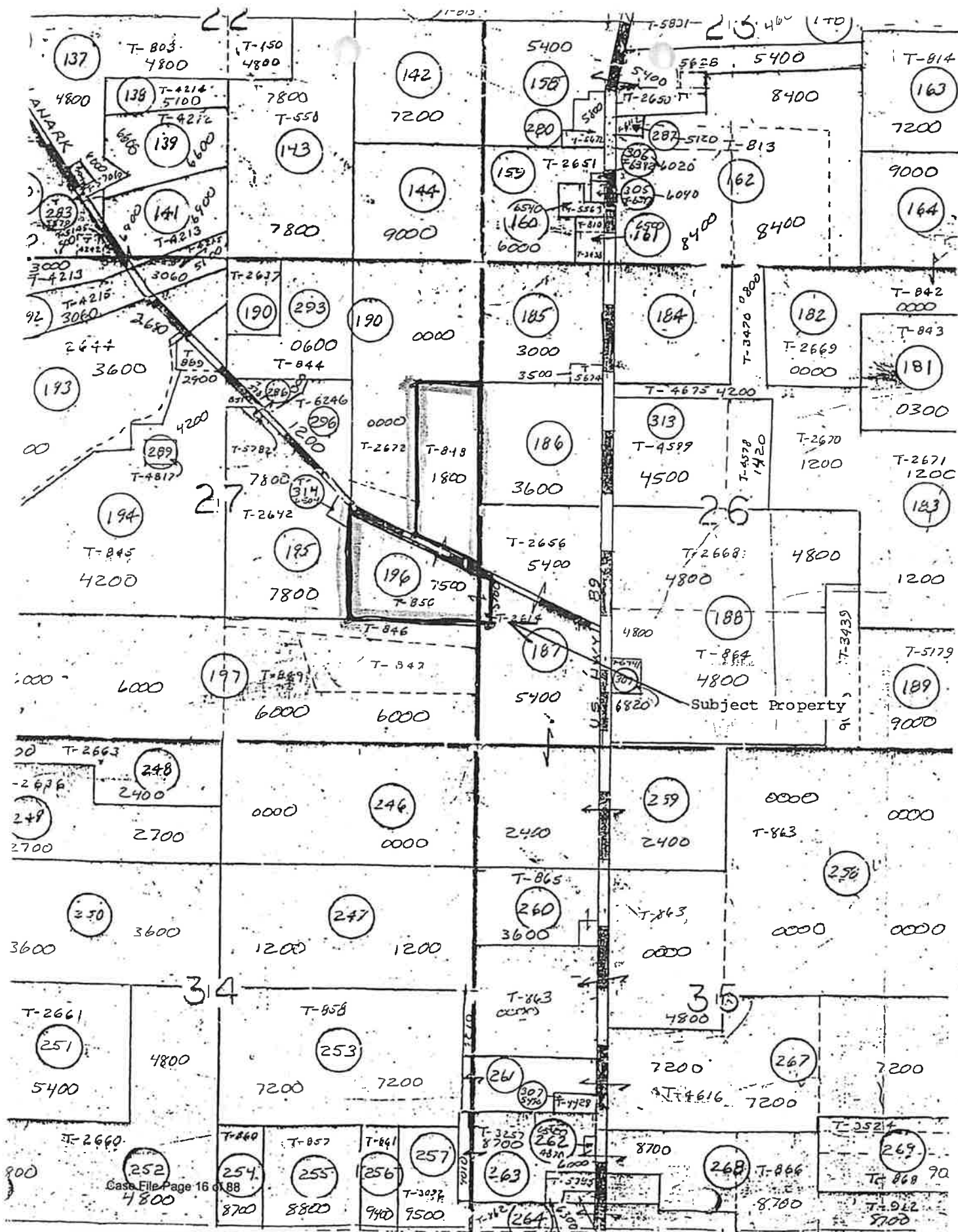
Section 26: Beginning at a point 396 feet, more or less, South of the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26, in the centerline of the Lanark-Sharon Road, where said centerline intersects the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, and running thence South 528 feet; thence East and a little south parallel with Lanark-Sharon road 82.5 feet; thence North 528 feet to center of road; thence West and a little North 82.5 feet, to the point of beginning.

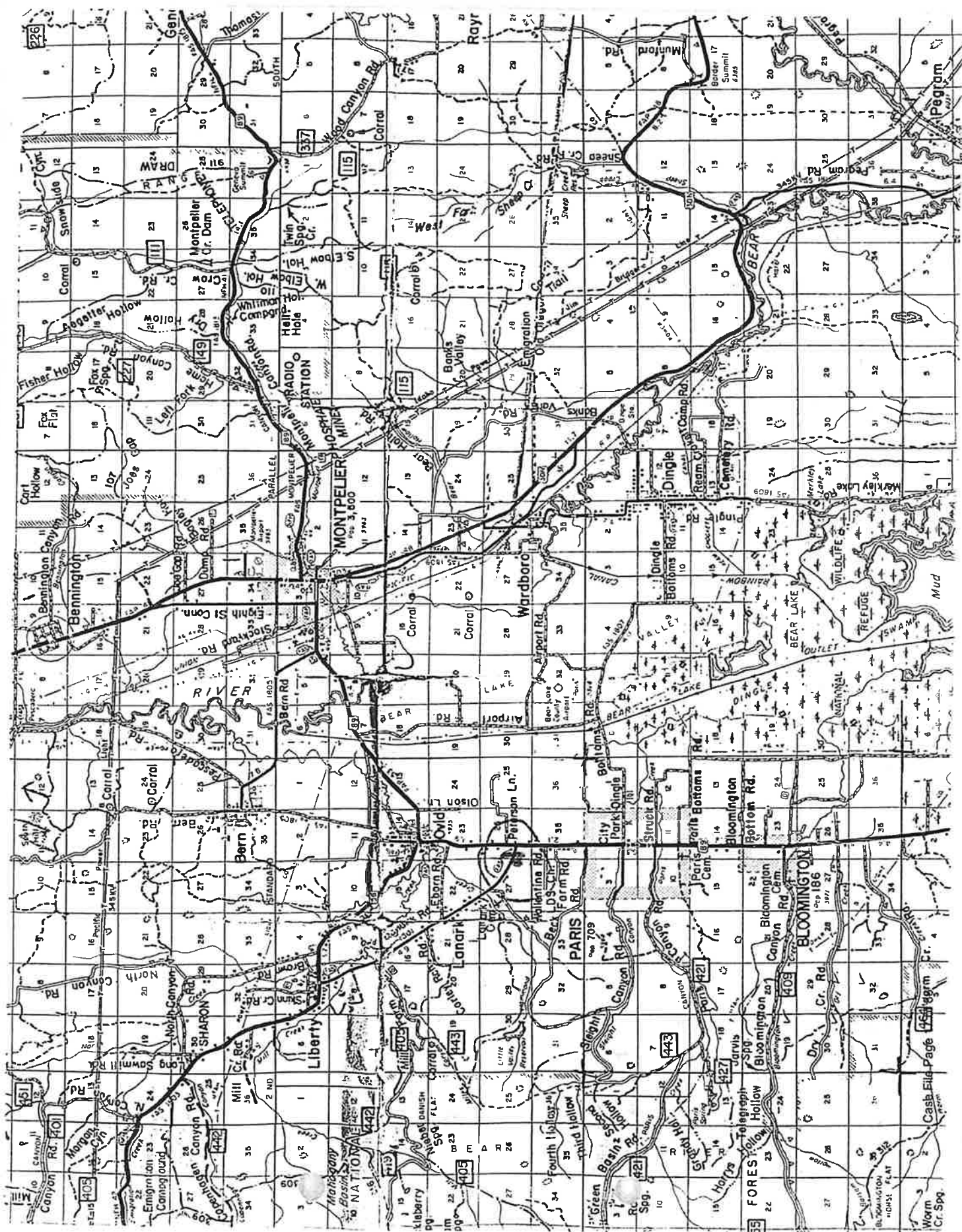
Section 27: Beginning at a point 396 feet, more or less, South from the Northeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27, to the center of County Road Running between Paris and Lanark, and running thence Northwesterly along the center of said County Road to quarter section line; thence West along quarter section line to the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27; thence South 1320 feet; thence East 1320 feet thence North 924 feet, more or less, to the point of beginning.

ALSO, Beginning at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said section 27, and running thence West 672 feet; thence South 1320 feet; thence Southeasterly along County Road 742.5 feet, more or less, to a point which is 396 feet South of the East Quarter Corner of said Section 27; thence North along Section line 1716 feet, to the point of beginning.

ALSO, Beginning at a point 1134 feet South from the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27, at the center of the road running to Lanark, thence in a Southeasterly direction along the center of said road to a point 648.0 feet East from the Southwest corner of said S $\frac{1}{4}$ ENE $\frac{1}{4}$ of Section 27; thence West 648.0 feet; thence North 186.0 feet, to the point of beginning.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including 17 $\frac{2}{5}$ shares in the Paris Relief Canal Company and 5 shares in the Liberty Irrigation Company.





168111

BEAR LAKE COUNTY RECORDER
JOAN P. EBORH

97 NOV 12 PM 4 09
DEPUTY FEE \$9.88

WARRANTY DEED

The GRANTORS, Rolf M. And Elizabeth M. Esche, husband and wife, do by these presents convey and warrant to the **UNITED STATES OF AMERICA** and its assigns, the following described land in Bear Lake County, State of Idaho.

As described in Exhibit A attached hereto and by this reference made a part hereof, and

SUBJECT to existing rights of way, of record or in use, for roads, pipelines, ditches, conduits, telephone and electrical transmission lines, on, over and across said premises; and

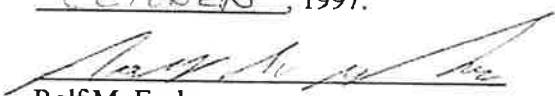
RESERVING unto the Grantor all water rights to said lands.

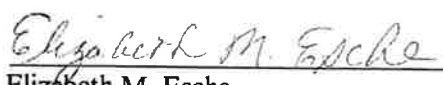
The true and actual consideration for this conveyance is an exchange of certain lands and interests as authorized by Section 4 (b) (3) of the Act of October 15, 1966 (80 Stat. 926; U.S.C. 668dd).

The land described herein is acquired by the United States, acting by and through the Fish and Wildlife Service, Department of the Interior.

TO HAVE AND TO HOLD, the above granted and described premises, with all of its appurtenances, unto the **UNITED STATES OF AMERICA** and its assigns forever.

IN WITNESS WHEREOF, we have hereunto executed this instrument the 31st day OCTOBER, 1997.


Rolf M. Esche


Elizabeth M. Esche

Bear Lake NWR
Esche to USA
Tract (11)

Page 1 of 2

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

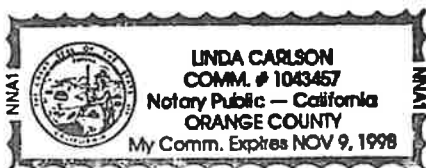
No. 5907

State of California 168111
County of Orange

On October 31, 1997 before me, Linda Carlson, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Rolf Esche and Betty Esche
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda Carlson
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ TRUSTEE(S) ☐ GENERAL
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTIT (IES)

DESCRIPTION OF ATTACHED DOCUMENT

Warranty Deed

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

October 31, 1997

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

DESCRIPTION

OF THE

ROLF M. ESCHÉ et al, TRACT

168111

(11)

BEAR LAKE COUNTY, IDAHO

This tract of land is located in Bear Lake County, Idaho, approximately 22 miles east-southeast of Montpelier, Idaho. Being a part of lands described in the warranty deed to Rolf M. Esche et al from V. Vernon Bailey et al, recorded October 18, 1994 as Instrument Number 160224, in Official Records of Bear Lake County, Idaho and is described as follows:

All bearings and distances are based on true north. Obtained from record observation between triangulation station Border and its azimuth mark.

T. 14 S., R. 46 E. Boise Meridian:

TRACT (11):

That part of the West half of the Southeast Quarter of Section 9 described as:

Beginning at the Center-East 1/16 corner of Section 9, said corner is monumented with a 5/8" diameter rebar with a 3" diameter aluminum cap stamped: with: U.S. Fish and Wildlife Service Logo, corner designation CE 1/16, point number designation 4107, and in the year 1996; Thence North 89° 27'48" West along the one-quarter section line of said section a distance of 904.02 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped: with: U.S. Fish and Wildlife Service logo, corner designation POL, point number designation 4127, and in the year 1996 set in a fence line; Thence along said fence line the following twelve courses:

South 33° 00'50" East a distance of 276.76 feet to an angle point in said fence line,
South 09° 12'48" East a distance of 278.59 feet to an angle point in said fence line,
South 35° 10'23" East a distance of 115.91 feet to an angle point in said fence line,
South 49° 20'28" East a distance of 51.06 feet to an angle point in said fence line,
South 60° 31'22" East a distance of 64.63 feet to an angle point in said fence line,
South 75° 39'31" East a distance of 269.33 feet to an angle point in said fence line,
South 05° 09'42" West a distance of 42.31 feet to an angle point in said fence line,
South 42° 13'39" West a distance of 178.26 feet to an angle point in said fence line,
South 05° 13'21" West a distance of 126.39 feet to an angle point in said fence line,
South 20° 47'13" East a distance of 221.49 feet to an angle point in said fence line,
South 38° 23'33" East a distance of 157.63 feet to an angle point in said fence line,
South 65° 45'54" East a distance of 137.74 feet to an angle point in said fence line;

thence leaving said fence line North 24° 14'06" East along a line perpendicular to the said previous course a distance of 53.34 feet to the center of the Thomas Fork of the Bear River;

thence down the center of said river the following two courses:

South 83° 04'46" East a distance of 82.91 feet,

North 82° 43'36" East a distance of 27.36 feet to the East 1/16th line of said section;

thence North 00° 31'13" West along said 1/16th line a distance of 1370.23 feet to the point of beginning.

Containing 17.5 acres more or less.

37 NOV 12 PM 4 17
Dinda
DEPUTY FEE \$24.00

BEAR LAKE COUNTY RECORDER
JOAN P. EBORN

168112

WITNESSETH;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the United States of America, for and in consideration of the conveyance to it by the Grantees of land situated in Bear Lake County, Idaho, and more particularly described in a deed dated 10-31-97, and recorded in Book Microfilm, Page Inst. #168111, Deed Records of County and State aforesaid, which land is deemed of equal value with the land herein conveyed, does by these presents grant and convey unto the Grantees, their heirs and assigns forever, the following described land in Bear Lake County, Idaho.

As described in, and shown on, Exhibit A attached hereto and by this reference made a part hereof, and

EXCEPTING THEREFROM any water rights appurtenant to said lands and, also

RESERVING Unto the Grantor, its successors and assigns a Conservation Easement, in perpetuity, 20 to 80 feet in width running along and adjacent to the Thomas Fork of the Bear River, as described in, and shown on, Exhibit B attached hereto and by this reference made a part hereof, hereinafter referred to as the Easement Lands. The purpose of said easement is to maintain the present character of the easement land and protect the river bank. The Grantee agrees to the following conditions of the reserved conservation easement:

1. No structures or improvements of any kind will be placed upon the easement area with the exception that the Grantor has the right to construct and maintain a fence.
2. Grantee shall not grant additional easements, rights-of-way, or other interests in the easement area, other than a fee or leasehold interest, subject to the terms of this reservation.
3. Access upon or across the easement area by Grantee, or their successors or assigns from the adjacent lands to the river for the purpose of watering stock will be by written authorization from Grantor, by and through Refuge Manager, Bear Lake National Wildlife

Wildlife Refuge, 370 Webster Street, Montpelier, Idaho 83254, phone number (208) 847-1757.

4. Grantor and Grantee shall consult and agree on the use of chemicals on the adjacent land that may adversely impact the easement area.

5. Grantee has no access rights on or across easement lands except as stated in number 3 above.

6. Grantor has the right, including access over and across Grantees adjacent lands to manage the easement lands for wildlife purposes and/or river bank stabilization.

TO HAVE AND TO HOLD the granted premises together with all the rights and appurtenances thereunto belonging or in anywise appertaining to the said Grantees, their heirs and assigns forever, subject, however, to existing public roads and public utility easement.

IN WITNESS WHEREOF, the United States of America has caused these presents to be executed on the day and year first above written.

UNITED STATES OF AMERICA

Acting by and through the
Secretary of the Interior

By [Signature]
Regional Director
Fish and Wildlife Service
Department of the Interior

STATE OF OREGON)
County of Multnomah) ss.

On November 6, 1997, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared John Doebl, Acting Regional Director

(Name) (Title)

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me he executed the same on behalf of the Department of the Interior, U.S. Fish and Wildlife Service.

WITNESS my hand and official seal.

Layla - Flaggenjos
(Signature)



168112

DESCRIPTION
OF THE
FARMERS HOME ADMINISTRATION / DEWITT FELLER, TRACT
(10 PARCEL A)
BEAR LAKE COUNTY, IDAHO

The following tract of land is located in Bear Lake County, Idaho, approximately 22 miles east-southeast of Montpelier, Idaho. Being a part of land described in the warranty deed to the U.S. Fish and Wildlife Service from Farmers Home Administration, recorded November 29, 1995 as Instrument Number 162905, in Official Records of Bear Lake County, Idaho.

All bearings and distances are based on true north. Obtained from record observation between triangulation station Border and its azimuth mark.

T. 14 S., R. 46 E. Boise Meridian:

TRACT (10 PARCEL A):

Part of the East half of the Southeast Quarter of Section 9 and the Northwest Quarter of the Southwest Quarter of Section 10, described as follows:

Beginning at the intersection of the Northern Right of Way line of old Highway 30N and the East 1/16th line of Section 9, said point is monumented with a 5/8" diameter rebar with a 3" diameter aluminum cap stamped: with U.S. Fish and Wildlife Service Logo corner designation POC, point number designation 4126, and in the year 1997; thence North 00° 31'13" West along said 1/16th line 80.47 feet to the center of the Thomas Fork of the Bear River;

thence down the center of said river the following three courses:

North 82° 43'36" East a distance of 154.23 feet,

North 83° 52'30" East a distance of 127.01 feet,

North 87° 51'36" East a distance of 118.76 feet to a point 20 feet upstream from the upstream side of an irrigation diversion dam;

thence North 05° 33'33" West on a line 20 feet upstream from and parallel to the upstream edge of said dam a distance of 78.96 feet to a point monumented with a 5/8" diameter rebar with a 3" diameter aluminum cap stamped: with U.S. Fish and Wildlife Service Logo corner designation TR10 Parcel A, point number designation 1534, and in the year 1997;

thence North 84° 26'27" East a distance of 57.11 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped: with U.S. Fish and Wildlife Service Logo corner designation TR10 Parcel A, point number designation 1535, and in the year 1997;

thence South 05° 33'33" East on a line 20 feet downstream from and parallel to the downstream edge of said dam a distance of 95.54 feet to the center of the Thomas Fork of the Bear River;

thence down the center of said river the following 25 courses:

South 77° 39'22" East a distance of 174.35 feet,

South 64° 23'22" East a distance of 78.82 feet,

South 81° 12'54" East a distance of 69.61 feet,

North 85° 45'18" East a distance of 130.93 feet,

North 69° 54'26" East a distance of 113.78 feet,

North 44° 43'37" East a distance of 128.38 feet,

North 20° 58'10" East a distance of 163.82 feet,

North 21° 36'55" East a distance of 191.91 feet,

North 25° 57'00" East a distance of 196.84 feet,

North 19° 25'58" East a distance of 152.16 feet,

168112

North 08° 42'51" East a distance of 312.86 feet,
North 20° 12'13" East a distance of 105.41 feet,
North 42° 25'34" East a distance of 29.98 feet,
North 48° 59'31" East a distance of 19.98 feet,
North 69° 14'48" East a distance of 27.94 feet,
South 85° 42'02" East a distance of 64.78 feet,
South 68° 43'45" East a distance of 268.46 feet,
South 62° 24'45" East a distance of 201.56 feet,
South 58° 15'21" East a distance of 32.58 feet,
South 35° 04'47" East a distance of 95.28 feet,
South 14° 27'17" East a distance of 163.30 feet,
South 09° 42'04" West a distance of 97.02 feet,
South 23° 08'22" West a distance of 201.10 feet,
South 09° 59'12" West a distance of 339.06 feet,
South 29° 01'21" West a distance of 90.36 feet to the South 1/16th line of Section 10,
thence North 88° 55'56" West along said 1/16th line a distance of 574.01 feet to the South 1/16th corner
common to Section 9 and 10 corner is monumented with a 5/8" diameter rebar with 3" diameter aluminum
cap stamped: with U.S. Fish and Wildlife Service logo corner designation S 1/16 S9 S10, point number
designation 4109, and in the year 1996;
thence South 00° 07'15" West along the section line common to Sections 9 and 10 a distance of 188.85 feet
to the Northern Right of Way line of old Highway 30N, monumented with a 5/8" diameter rebar with a 3"
diameter aluminum cap stamped: with U.S. Fish and Wildlife Service Logo corner designation POT, point
number designation 4125, and in the year 1996;
thence along said Northern line the remaining courses:
North 85° 43'32" West a distance of 1037.96 feet,
Along the arc of a curve concave to the south having a delta angle of 18° 24'15", an arc length of
316.72 feet, and a radius of 986.00 feet to the point of beginning.

Containing 21.5 acres more or less.

Bounded by the Lands Of:

On the most western end by Rolf M. Esche Et.al. On part of the South by Bear Lake County in the form of a County Road, with Rolf M. Esche et.al. being the owner south of the road. Roland Johns owns the Southwest Quarter of the Southwest Quarter of Section 10. Tract 10 Parcel A-C is proposed to be owned by Rolf M. Esche et al with a conservation easement in favor of the U.S. Fish and Wildlife Service. The remaining sides are owned by the United States of America administered by the Fish and Wildlife Service.

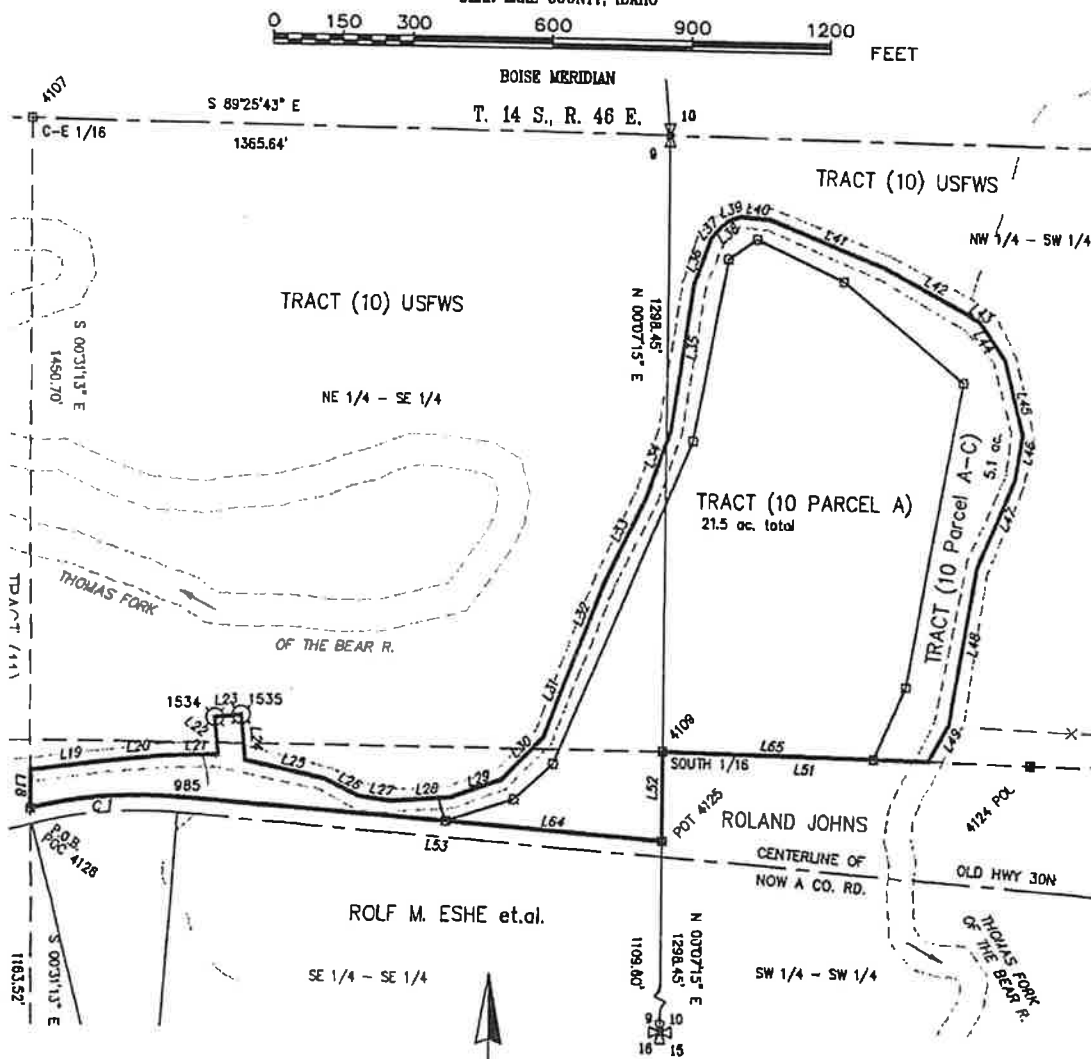
The above described Tract of Land is delineated on a map tracing designated Farmers Home Administration / Dewitt Feller Tract (10 Parcel A) Consisting of 1 sheet, bearing the date of August 7, 1997, of record in the files of The Department of Interior. A print from that map is attached hereto.

168112

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
THOMAS FORK OF THE BEAR RIVER UNIT, BEAR LAKE NATIONAL WILDLIFE REFUGE
FmHA / FELLER TRACT
(10 PARCEL A)

21.5 acres

BEAR LAKE COUNTY, IDAHO



LEGEND

- 1/4 CORNER MONUMENTED BY CORNER NOTES
1/16 CORNER ON POINT ON LINE MONUMENTED BY A 3/8" dia. REBAR WITH 3" dia. ALUM. CAP ATTACHED
CALCULATED 1/4 CORNER LOCATION SEE CORNER NOTES

PARTS OF BEARINGS
U.S.C. & G.S. RECORD
FROM THIR-STA. BORDER
TO BORDER'S AZEL MK

THIS MAP WAS COMPILED FROM OFFICIAL PLATS OF THE BUREAU OF LAND MANAGEMENT, PRIVATE SURVEYS RECORDED AND UNRECORDED, PHOTOGRAMMETRIC SURVEYS AND FIELD SURVEYS MADE JULY, 1997 BY THE FISH AND WILDLIFE SERVICE AND RECORDS IN THE FILES THEREOF.

8/7/97
DATE

Case File Page 27 of 207
REALTY

EXTERIOR OF TRACT (10 PARCEL A)

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L18	N 00°31'13" W	80.47	L40	S 85°42'02" E	64.78
L19	N 82°43'38" E	154.23	L41	S 68°43'45" E	268.45
L20	N 83°52'30" E	127.01	L42	S 62°24'45" E	201.56
L21	N 87°51'36" E	118.76	L43	S 58°15'21" E	32.58
L22	N 05°33'33" W	78.96	L44	S 35°04'47" E	95.28
L23	N 84°26'27" E	57.11	L45	S 14°27'17" E	163.30
L24	S 05°33'33" E	95.34	L46	S 09°42'04" W	97.02
L25	S 77°39'22" E	174.35	L47	S 23°08'22" W	201.10
L26	S 64°23'22" E	78.82	L48	S 09°59'12" W	339.06
L27	S 81°12'54" E	69.61	L49	S 29°01'21" W	90.36
L28	N 85°45'18" E	130.93	L51	N 85°53'56" W	574.01
L29	N 69°54'26" E	113.78	L52	S 00°07'15" W	188.85
L30	N 44°43'37" E	128.38	L53	N 85°43'32" W	1037.96
L31	N 20°58'10" E	163.82	L64	S 85°43'32" E	465.09
L32	N 21°36'55" E	191.91	L65	S 88°55'56" E	453.79
L33	N 25°57'00" E	196.84			
L34	N 19°25'58" E	152.16			
L35	N 08°42'51" E	312.86			
L36	N 20°12'13" E	105.41			
L37	N 42°25'34" E	28.98			
L38	N 48°59'31" E	19.98			
L39	N 69°14'48" E	27.94			

CURVE C1

ARC	DELTA	RADIUS
J16.72	18°24'15"	986.00
CHORD LENGTH		315.36
CHORD BEARING		S 85°04'20" W

DESCRIPTION

168112

OF THE

FmHA, TRACT

(10 Parcel A-C)

BEAR LAKE COUNTY, IDAHO

The following described tract of land is located in Bear Lake County, Idaho, approximately 22 miles east-southeast of Montpelier, Idaho. This tract is a portion of lands described in the warranty deed to the U.S. Fish and Wildlife Service from the Farmers Home Administration, recorded November 29, 1995 as Instrument Number 162905, in Official Records of Bear Lake County, Idaho and is within the proposed land grant to Rolf M. Esche et Al, designated Tract (10 Parcel A).

All bearings and distances are based on true north. Obtained from record observation between triangulation station Border and its azimuth mark.

T. 14 S., R. 46 E. Boise Meridian:

TRACT (10 Parcel A-C):

Part of the East half of the Southeast Quarter of Section 9 and part of the West half of the Southwest Quarter of Section 10 described as follows:

Beginning at a point on the South 1/16th line of Section 10 from which the South 1/16th corner common to Sections 9 and 10 bears North 88° 55'56" West 455.79 feet distant, said point is monumented with a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1540, and in the year 1997;
thence North 23° 57'49" East a distance of 167.42 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1541, and in the year 1997;
thence North 10° 22'37" East a distance of 657.44 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1542, and in the year 1997;
thence North 51° 27'00" West a distance of 332.63 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1543, and in the year 1997;
thence North 65° 33'51" West a distance of 208.08 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1544, and in the year 1997;
thence South 55° 17'56" West a distance of 74.89 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1545, and in the year 1997;
thence South 10° 34'56" West a distance of 390.90 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1546, and in the year 1997;
thence South 23° 08'49" West a distance of 748.09 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1547, and in the year 1997;
thence South 48° 17'53" West a distance of 112.99 feet to a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1548, and in the year 1997;

thence South 71° 23'22" West a distance of 152.96 feet to the northern right of way line of old Highway 30N monumented with a 5/8" diameter rebar with a 3" diameter aluminum cap stamped with U.S. Fish and Wildlife Service Logo, corner designation TR11C, point number designation 1549, and in the year 1997; thence North 18° 36'38" West along a line perpendicular to the said previous course a distance of 50.98 feet to the center of the Thomas Fork of the Bear River; thence down the center of said river the following 22 courses;

North 85° 45'18" East a distance of 27.31 feet,
 North 69° 54'26" East a distance of 113.78 feet,
 North 44° 43'37" East a distance of 128.38 feet,
 North 20° 58'10" East a distance of 163.82 feet,
 North 21° 36'55" East a distance of 191.91 feet,
 North 25° 57'00" East a distance of 196.84 feet,
 North 19° 25'58" East a distance of 152.16 feet,
 North 08° 42'51" East a distance of 312.86 feet,
 North 20° 12'13" East a distance of 105.41 feet,
 North 42° 25'34" East a distance of 29.98 feet,
 North 48° 59'31" East a distance of 19.98 feet,
 North 69° 14'48" East a distance of 27.94 feet,
 South 85° 42'02" East a distance of 64.78 feet,
 South 68° 43'45" East a distance of 268.46 feet,
 South 62° 24'45" East a distance of 201.56 feet,
 South 58° 15'21" East a distance of 32.58 feet,
 South 35° 04'47" East a distance of 95.28 feet,
 South 14° 27'17" East a distance of 163.30 feet,
 South 09° 42'04" West a distance of 97.02 feet,
 South 23° 08'22" West a distance of 201.10 feet,
 South 09° 59'12" West a distance of 339.06 feet,
 South 29° 01'21" West a distance of 90.36 feet to the South 1/16th line of Section 10,

thence North 88° 55'56" West along said 1/16th line a distance of 118.22 feet to the Point of Beginning.

Containing 5.1 acres more or less.

Bounded by the Lands Of:

The above described land is situated to the right of the center of the Thomas Fork of the Bear River. The United States of America is the owner of land to the left of center administered by the Fish and Wildlife Service. Roland Johns is the owner of the Southwest Quarter of the Southwest Quarter of Section 10. The Remaining sides are part of the proposed Tract (10 Parcel A) current owner United States of America Administer by the Fish and Wildlife Service.

The above Described tract of land is delineated on a map tracing designated FmHA Tract (10 Parcel A-C) Consisting of 1 sheet, bearing the date of August 7, 1997, of Record in the files of the Department of Interior. A print from that map is attached hereto.

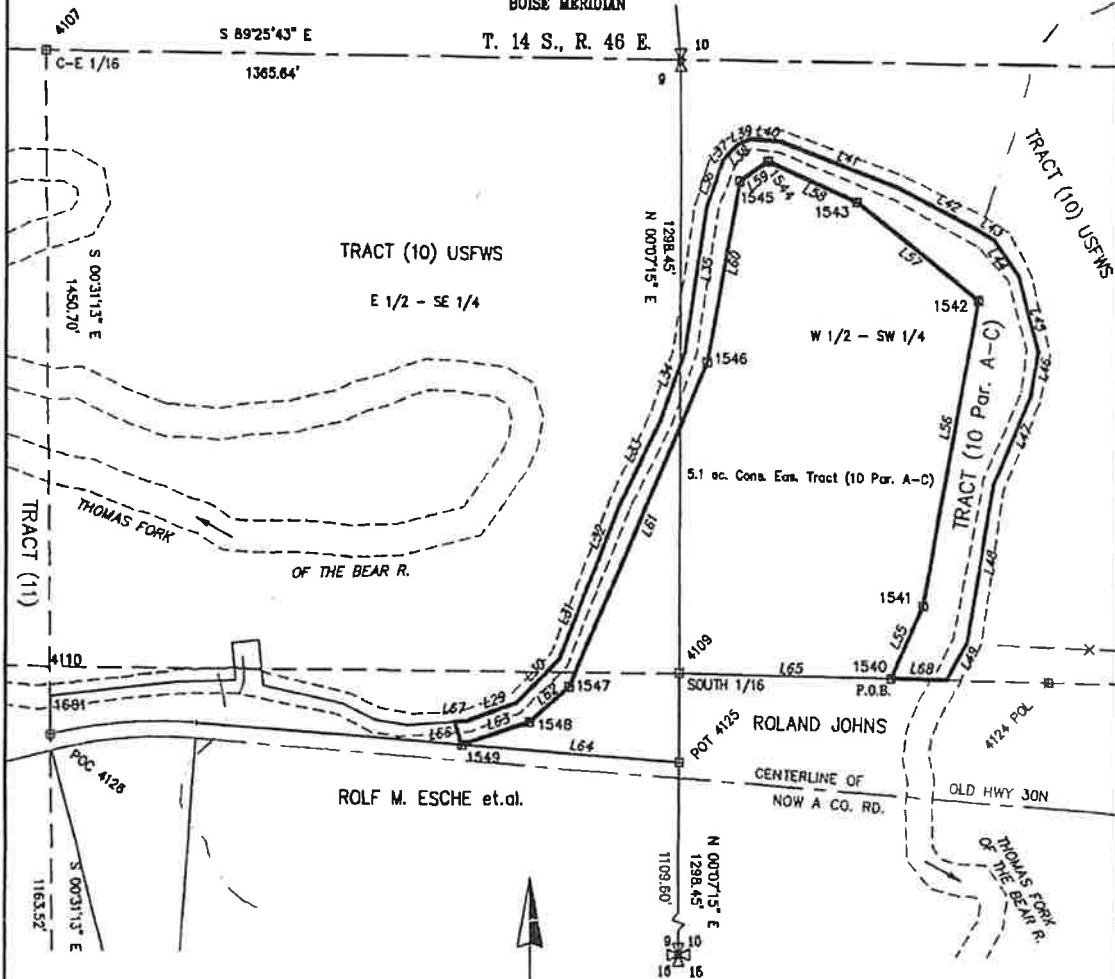
UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
THOMAS FORK OF THE BEAR RIVER UNIT, BEAR LAKE NATIONAL WILDLIFE REFUGE
FmHA / FELLER TRACT
(10 Parcel A-C)
5.1 acres

BEAR LAKE COUNTY, IDAHO



BOISE MERIDIAN

T. 14 S., R. 46 E.



 1/8 CORNER MONUMENTED SEE CORNER NOTES
 1/16 CORNER OR POINT ON LINE MONUMENTED BY A 5/8" GAL. IRON NAIL WITH 3" dia. ALUM. CAP ATTACHED
 CALCULATED 1/4 CORNER LOCATION SEE CORNER NOTES

BASIS OF BEARING
U.S.C. & S. RECORD
FROM TRI-STA. BORDER
TO BORDER'S AZI. MK.

THIS MAP WAS COMPILED FROM OFFICIAL PLATS OF THE BUREAU OF LAND MANAGEMENT, PRIVATE SURVEYS RECORDED AND UNRECORDED, PHOTOGAMMETRIC SURVEYS AND FIELD SURVEYS MADE JULY, 1897 BY THE FISH AND WILDLIFE SERVICE AND RECORDS IN THE FILES THEREOF.

8/7/97
DATE Case F

Case File Page 30 of 207 LAND SURVEYOR

REALTY

EXTERIOR OF TRACT (10 Parcel A-C)

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L29	N 69°34'26"E	113.78	L55	N 21°37'49"E	167.42
L30	N 44°43'57"E	128.38	L56	N 10°22'13"E	657.44
L31	N 20°58'10"E	161.82	L57	N 51°27'00"E	332.63
L32	N 21°36'55"E	191.91	L58	N 65°33'51"E	204.08
L33	N 25°57'00"E	196.84	L59	S 53°17'56"E	74.89
L34	N 19°25'58"E	152.16	L60	S 10°34'36"E	390.90
L35	N 68°42'51"E	312.88	L61	S 23°08'49"E	248.09
L36	N 22°07'13"E	105.41	L62	S 45°17'33"E	112.89
L37	N 42°22'14"E	29.98	L63	S 71°23'22"E	157.96
L38	N 48°59'51"E	19.98	L65	S 68°35'56"E	455.79
L39	N 69°14'46"E	27.94	L66	N 18°18'38"E	50.88
L40	S 65°42'02"E	64.78	L67	N 85°45'18"E	27.31
L41	S 66°43'45"E	268.48	L68	N 89°55'56"E	118.22
L42	S 62°24'45"E	201.56			
L43	S 58°15'21"E	37.58			
L44	S 35°04'17"E	95.28			
L45	S 14°27'17"E	163.30			
L46	S 09°42'04"E	97.02			
L47	S 23°08'22"E	201.10			
L48	S 09°59'01"E	339.06			
L49	S 29°01'21"E	90.36			

Warranty Deed

THIS INDENTURE, Made this 8th day of March
in the year of our Lord One Thousand Nine Hundred and seventy-three, between
Reuben Walter and Blanche S. Walter, husband and wife,
of Montpelier County of Bear Lake State of Idaho,

the part 1st of the first part, and

Dwight H. Feller and Marie Feller, husband and wife,
of Randolph County of Rich State of Utah,

the part 1st of the second part:

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of
ONE HUNDRED FOURTEEN THOUSAND TWO HUNDRED AND NO/100 -----DOLLARS,
lawful money of the United States of America, to them in hand paid by the said part 1st of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part 1st
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Bear Lake, State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 14 South, Range 46 East of the Boise Meridian:

Section 4: S $\frac{1}{2}$ SW $\frac{1}{4}$.
Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and all that portion
of SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North of U.S. Highway 30-W.
Section 10: N $\frac{1}{2}$, NE $\frac{1}{4}$.
Section 11: Lots 1, 2 and 3.

134934

INDEXED

STATE OF IDAHO	
County of Bear Lake	
Date	<u>6-15-84</u>
Time	<u>11:50 AM</u>
Deputy	<u>John E. Eborn</u>
Clerk	<u>John E. Eborn</u>
Fee	<u>4.00</u>

Together with all and singular, the interests, improvements and appurtenances thereto belonging or to anywise appertaining, and
the rents, issues and profits thereof

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto in anywise
unto the said parties of the second part, and to their heirs and assigns forever. And the said
part 1st of the first part, and their heirs the said premises to the said part 1st of the second part, and to their heirs
of the said part 1st of the second part their heirs and assigns against the said part 1st of the second part of the
first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and well warrant and by these presents forever defend

IN WITNESS WHEREOF, The said part 1st of the first part do hereunto set their hands and
and on the day and year first above written
Signed, Sealed and Delivered in the Presence of

_____) Reuben Walter _____
_____) Blanche S. Walter _____
_____) _____
_____) _____
_____) _____

100

INDEXED

134985

UNITED STATES DEPARTMENT OF AGRICULTURE
Farmers Home Administration

DEED IN SATISFACTION OF MORTGAGE INDEBTEDNESS

FOR VALUE RECEIVED

DEWITT H. FELLER AND MARIE J. FELLER, Husband and Wife

herein referred to as Grantors, hereby grant, bargain, sell, and convey unto the UNITED STATES OF AMERICA, acting through the Farmers Home Administration, United States Department of Agriculture, herein referred to as Grantees, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

Township 14 North, Range 40 East of the 6th Meridian;

100. 41. 2004.

Doc. 9: NINEZ, SEINEZ, NIZ, SEISEZ, and all that portion of SEISEZ lying North of U.S. Highway 30-N.

Grants hereinafter acknowledged that the same were attached and made part thereof.

Grantors herein acknowledge that the property described herein is subject to a mortgage in favor of Grantee and said mortgage is in default and subject to foreclosure. That this deed is executed and given in full satisfaction of said mortgage and is intended as a conveyance, absolute in legal effect as well as in form, of the title to said premises to the second party and not as a mortgage, trust conveyance, or security of any kind, and that possession of said premises is hereby surrendered to said party; and that in executing this deed the Grantor is not acting under any misapprehension as to the effect thereof, nor under any duress, undue influence, or misrepresentation by the second party, or its agent, or attorney;

DATED February 10 19 44

DEBBY H. FELLER

MARIE J. PERAZICH

STATE OF INDIANA)
County of BERNARD) ss:
County of BERNARD)

On this 30th day of January, 1966, before me, a Notary Public in and for said County and State, personally appeared Robert H. Feller and Marie H. Feller, his wife, to me known to be the identical individual(s) as described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that he signed, sealed, and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the 14th day of May, 1944, last above mentioned.

Notary Public in and for the State
of

Residing at 1000 1/2 1st St. N.

My Bond expires 11/1/55.

Until a change is requested, all tax statements shall be sent to the following address: 120 North 5th, Montpelier, ID 83404



EXHIBIT A

Sec. 11: Lots 1, 2 and 3.

Containing approximately 1009.62 acres.

Together with all water and water rights thereunto appertaining, including, but not limited to 680 miner's inches of Thomas Fork Creek and 680 shares of Thomas Fork Creek Irrigation Company.

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 minor's inches of Thomas Fork Creek and 680 shares of Thomas Fork Creek Irrigation Company.

162905

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.

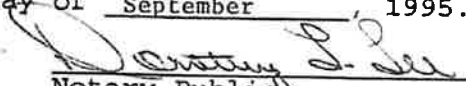
WITNESS, the signature of the authorized officer of the Grantor.

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.

Leland Brown
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.

162905

BEAR LAKE COUNTY RECORDER
JOAN P. ECKRN

95 NOV 29 AM 10 11
Cindy Goya
DEPUTY FEE \$9.00

SEND TAX NOTICE TO: United States Department
of the Interior
Fish and Wildlife Service
911 NE 11th Avenue
Portland OR 97232-4181

RECEIVED

DEC 08 2023

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - BRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 17 2023	
By _____	Clerk
_____	Deputy Clerk

Todd Kim
Assistant Attorney General
R. Lee Leininger
Katharine Laubach
Mark Widerschein
Natural Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724
lee.leininger@usdoj.gov
katharine.laubach@usdoj.gov
mark.widerschein@usdoj.gov

Attorneys for the United States

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re BRBA

Case No. 79576

**United States'
Notice of Appearance**

PLEASE TAKE NOTICE that R. Lee Leininger, Katharine Laubach, and Mark Widerschein enter their appearances on behalf of the United States in the above titled action and in the subcases resulting from this action. Undersigned counsel enter their appearances under the direction of the Attorney General of the United States and pursuant to 28 U.S.C. §§516 through 519, which authorizes Department of Justice attorneys to conduct litigation on behalf of the United States in any suit before any state court.

All attorneys listed will accept service of papers by regular U.S. Mail at the following address:

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho, 83724

All overnight or hand deliveries should be made to the following street address¹:

United States Department of Justice
Environment and Natural Resources Division (ENRD)
c/o United States Attorney's Office
1290 West Myrtle Street, Suite 500
Boise, ID 83702
(208)334-1211

Dated January 17, 2023

Respectfully submitted,



Todd Kim
Assistant Attorney General
R. Lee Leininger
Katharine Laubach
Mark Widerschein
Natural Resources Section
Environment and Natural Resources Division
United States Department of Justice

¹ The court modified SRBA Administrative Order 1 Rules of Procedure on March 31, 2021 with respect to service on the United States
<http://164.165.134.61/images/2021-03/0039576xx09277.pdf>

CERTIFICATE OF SERVICE

I certify that on 17 January, 2023, I served true and correct copies of the foregoing

UNITED STATES' NOTICE OF APPEARANCE as follows:

Original via fax (208) 736-2121:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707

Copies via First Class U.S. Mail, pre-paid:

DIRECTOR OF IDWR
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010



Matthew Smith