Martin D. Schlagel

1916 - April 1

31 231 ✓

0.8 c. f. s. ✓

Source: An unnamed slough or lake near Hamer, Idaho, a tributary to Mud Lake.

Point of Diversion: On the land to be irrigated, and hereinafter described.

For use on the following described land, to-wit: The Northwest quarter, the South Half of the Northeast Quarter, the Southeast Quarter, and the East Half of the Southwest quarter, of Section 9, Township 7 North, Range 36 East, B. M.

7N, 36E 9 NW 1/4
S 1/2, NE 1/4
SE 1/4
E 1/2 SW 1/4

No. 119

≈ 480 ac

03/21/2001

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

RIGHT NUMBER: 31-231

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 972324181

Original Sent to Court 1-29-02

SOURCE: [redacted] SLOUGH TRIBUTARY: WARM CREEK

QUANTITY: 0.8 CFS

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION: T07N R36E S16 NENWSW Within JEFFERSON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE	04-01 10-31	0.80 CFS

PLACE OF USE:

WILDLIFE Within JEFFERSON County

T07N R36E S16	NENE	T07N R36E S16	NWNE
T07N R36E S16	SWNE	T07N R36E S16	SENE
T07N R36E S16	NENW	T07N R36E S16	NWNW
T07N R36E S16	SWNW	T07N R36E S16	SENW
T07N R36E S16	NESW	T07N R36E S16	NWSW
T07N R36E S8	NENE	T07N R36E S8	SENE
T07N R36E S8	NESE	T07N R36E S9	NENE
T07N R36E S9	NWNE	T07N R36E S9	SWNE
T07N R36E S9	SENE	T07N R36E S9	NENW
T07N R36E S9	NWNW	T07N R36E S9	SWNW
T07N R36E S9	SENW	T07N R36E S9	NESW
T07N R36E S9	NWSW	T07N R36E S9	SWSW
T07N R36E S9	SESW	T07N R36E S9	NESE
T07N R36E S9	NWSE	T07N R36E S9	SWSE
T07N R36E S9	SESE		

THIS RIGHT IS LIMITED TO OF 40 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

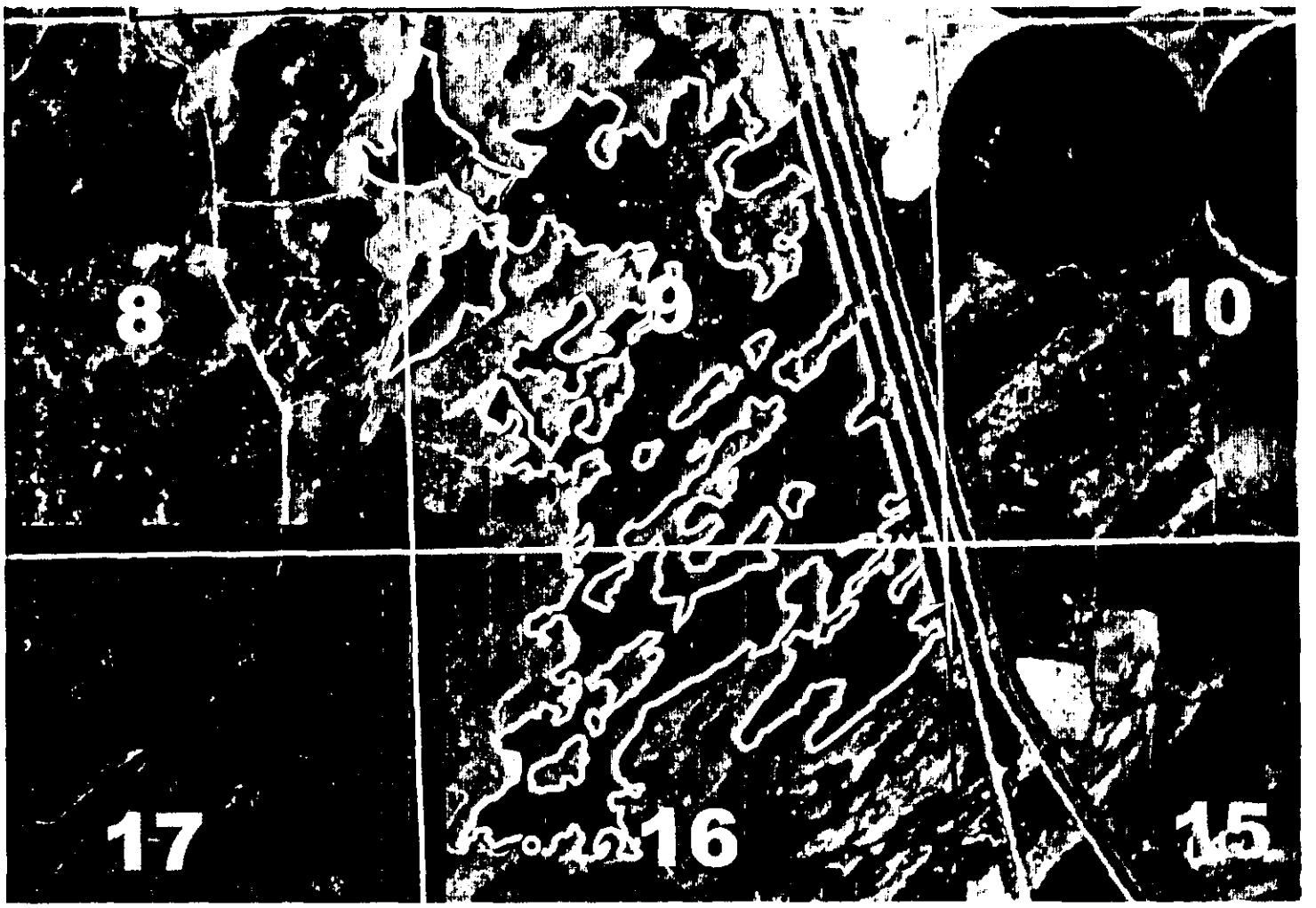
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

SOURCE LOCALLY KNOWN AS SCHLAGEL SLOUGH

State of Idaho

Department of Water Resources
Eastern Region

Water Rights(s): 31-00231



1320 0 1320 2640 3960 Feet

Point of Diversion (s)

Camas National Wildlife Refuge Boundary

Place of Use - Purpose of Use Wildlife

Quarter Section Lines

Section Lines

N
W E
S

GIS Place of Use Illistration
1987/1988 NAPP photography
Prepared by: C. Saxton
Date: December 2000

12/07/2000

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

RIGHT NUMBER: 31-231

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SER
DIVISION OF ENGINEERING
911 NE 11TH AVE
PORTLAND, OR 972324181

SOURCE: SPRINGS TRIBUTARY: WARM CREEK

QUANTITY: 0.8 CFS

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION: T07N R36E S16 NENWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE	04-01 10-31	0.800 CFS

PLACE OF USE:

WILDLIFE Within JEFFERSON County

T07N R36E S16	NENE	T07N R36E S16	NWNE
T07N R36E S16	SWNE	T07N R36E S16	SENE
T07N R36E S16	NENW	T07N R36E S16	NWNW
T07N R36E S16	SWNW	T07N R36E S16	SENW
T07N R36E S16	NESW	T07N R36E S16	NWSW
T07N R36E S8	NENE	T07N R36E S8	SENE
T07N R36E S8	NESE	T07N R36E S9	NENE
T07N R36E S9	NWNE	T07N R36E S9	SWNE
T07N R36E S9	SENE	T07N R36E S9	NENW
T07N R36E S9	NWNW	T07N R36E S9	SWNW
T07N R36E S9	SENW	T07N R36E S9	NESW
T07N R36E S9	NWSW	T07N R36E S9	SWSW
T07N R36E S9	SESW	T07N R36E S9	NESE
T07N R36E S9	NWSE	T07N R36E S9	SWSE
T07N R36E S9	SESE		

THIS RIGHT IS LIMITED TO OF 40 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-231

Owner Type	Name and Address
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI FISH AND WILDLIFE SER DIVISION OF ENGINEERING 911 NE 11TH AVE PORTLAND, OR 972324181 (503)231-6145
Attorney	HAUGRUD K JACK OR D ZANE OR M GHELETA US DEPARTMENT OF JUSTICE ENV & NR DIVISION 550 W FORT ST BOX 33 BOISE, ID 83734 (202)272-4134
Also Known As	FWS PORTLAND, OR 97232
Original Owner	MARTIN D SCHLAGEL

Priority Date: 04/01/1916
Basis: Decreed
Status: Valid

Source	Tributary to
SPRINGS	WARM CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
WILDLIFE	04/01	10/31	0.8 CFS		

Total Diversion 0.8 CFS

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	16	NE NW SW		JEFFERSON

Place(s) of use:

Place of Use Legal Description: WILDLIFE JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	36E	16		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW							
		8		NENE			SENE							
				NESE										
		9		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE

RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1.	Place of Use - Irrigation	THIS RIGHT IS LIMITED TO OF 40 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Comments:

Author	Date	Subject	Comment
csaxton	11/27/00	Historical Use	Jerry Deutscher stated on Oct 20, 2000 that the springs have not produced significant amounts of water in the past years due to low water table.
csaxton	11/27/00	Source	Source also known as the Schlagel Slough.

Dates:

Licensed Date:
Claim Received Date: 03/25/1993
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 11/01/1930
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	11/27/00 1:58:44 PM	csaxton			In Process
POD	11/27/00 2:03:41 PM	csaxton			In Process
POU	11/27/00 2:20:12 PM	csaxton			In Process
Priority Date	11/27/00 1:59:04 PM	csaxton			In Process
Quantity	11/27/00 2:22:37 PM	csaxton			In Process
Season	11/27/00 2:21:28 PM	csaxton			In Process
Source	11/27/00 2:11:05 PM	csaxton			In Process
Summary	11/27/00 2:25:17 PM		11/27/00 2:25:17 PM	csaxton	Complete
Use	11/27/00 2:25:35 PM	csaxton			In Process
	11/27/00 2:13:21 PM	csaxton			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Overall Max Diversion Rate: 0.8
Overall Max Diversion Volume:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:C
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	11/27/00 1:58:43 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Spoke with Jerry Deutscher on Oct 20 2000

POD	12/7/00 1:12:38 PM	csaxton	Edited point location
POD	11/27/00 2:03:36 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Phone conversation with Gerald Deutscher November 2000. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	11/27/00 2:20:11 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: Water backed up at a diversion north of Sandhole lake. POU larger than what was decreed. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: Aerial photos and discussion with Gerald Deutscher. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	11/27/00 1:59:03 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	11/27/00 2:22:36 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Season	11/27/00 2:21:26 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (NO) Irrigation is not the purposed use. Comment for 13: Decreed as irrigation, now used for Wildlife. IDWR irrigation standard used. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	11/27/00 2:11:03 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (NO) The source is not a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	11/27/00 2:25:15 PM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required.

			8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Use	11/27/00 2:25:33 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (NO) The claimed purpose of Use can not be verified using the water right file. 4. (YES) There is evidence that there has been a change to the purpose of use. 5. (YES) The claim only can be verified as an accomplished transfer. Comment for 5: Decreed as irrigation, but used for wildlife purposes by Camas National Wildlife refuge. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (YES) Purpose of Use remark was required. 12. (NO) Purpose of Use condition was not required.
Use	11/27/00 2:13:19 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (NO) The claimed purpose of Use can not be verified using the water right file. 4. (YES) There is evidence that there has been a change to the purpose of use. 5. (YES) The claim only can be verified as an accomplished transfer. Comment for 5: Decreed as irrigation, but used for wildlife purposes by Camas National Wildlife refuge. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: 431-00231
Date Received: 3-25-93
Receipt No.: XXXXX
Received By: Staff

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America (Fish and Wildlife Service)** Phone: **503-231-6145**
   Address: **Division of Engineering**
   911 NE 11th Avenue
   Portland, OR 97232-4181

2. Date of Priority: April 1, 1916

3. Source: Springs and Seeps Trib. to: Warm Creek

4. Point of Diversion:

   Township 7N Range 36E Section 9, NW1/4, of NW1/4, B.M.
   County of Jefferson
   Additional Points of Diversion NE1/4 of NW1/4; SW1/4 of NW1/4; SE1/4 NW1/4; SW1/4 of NE1/4; SE1/4 of NE1/4; NW1/4 of SE1/4; NE1/4 of SE1/4 SW1/4 of SE1/4; SE1/4 of SE1/4; NE1/4 of SW1/4; and SE1/4 of SW1/4, all in Section 9.

5. Description of diverting works: **Natural diversion on place of use.**

6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
Wildlife	**Jan.1**	**Dec.31**	**0.8**	

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

8. Total consumptive use claimed is 244 Acre Feet Per Annum.

United States of America
Fish and Wildlife Service

MICROFILMED
NOV 14 1996

9. Non-irrigation uses: Wildlife

10. Place of Use: Within the Camas National Wildlife Refuge (See Attachment 1).

Total Number of Acres Irrigated None

11. Place of use, county(ies): Jefferson

12. Do you own the property listed above as place of use? Yes.

13. Other Water Rights Used: IDWR Water Right Numbers 31-0269, 31-0270, 31-0271, 31-0272, 31-0273, 31-0274, 31-0275, 31-0276, 31-0277, 31-0278, 31-0279, 31-0280, 31-0281, 31-0282, 31-0283, 31-0284, 31-2251, 31-2322, 31-2350, 31-2362, 31-2363, 31-4016, 31-4066, 31-7301.

14. Remarks: This claim clarifies and updates information given in decree No. 635.

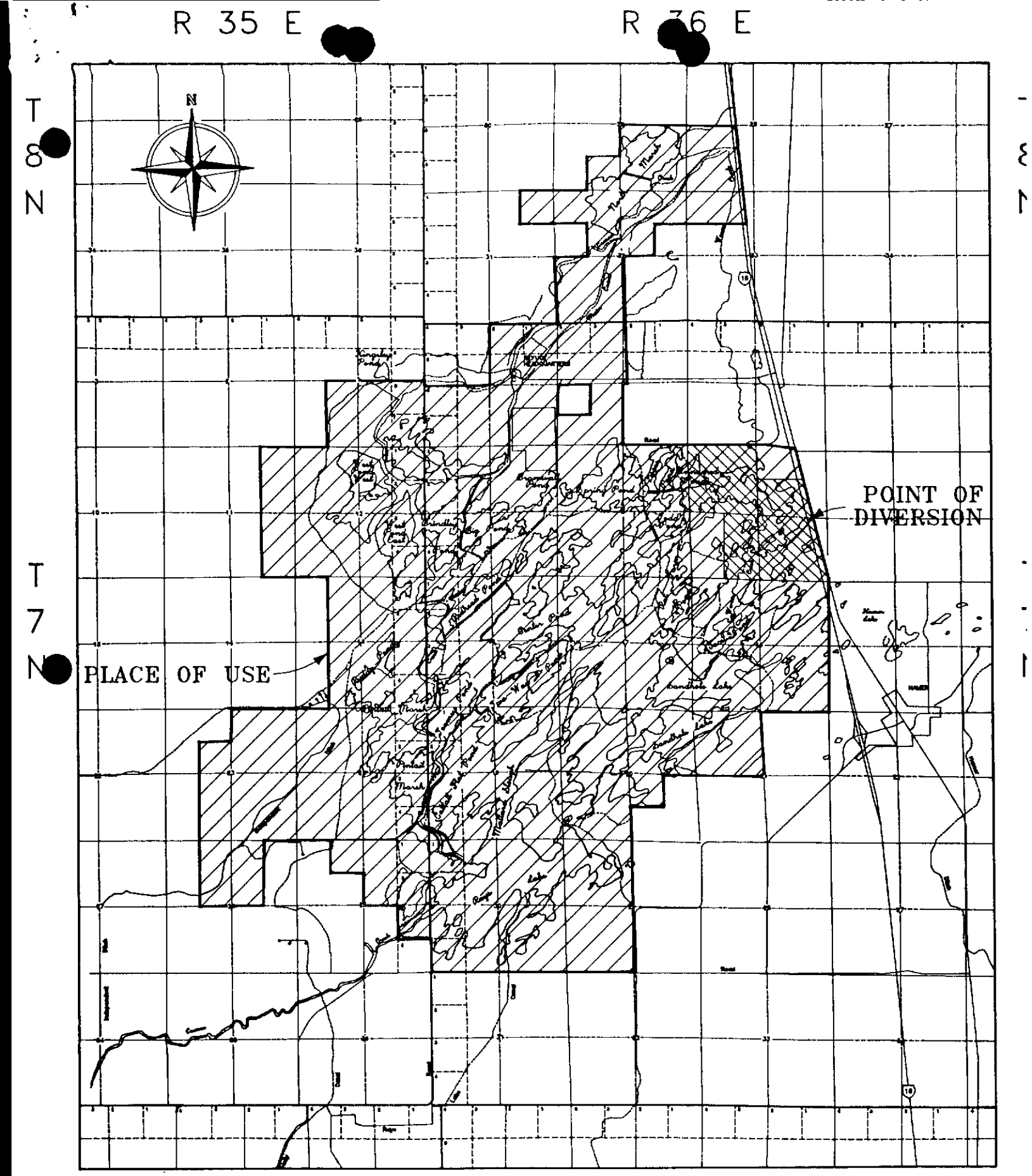
Use of water for Refuge purposes includes irrigation of meadows and marshes, and incidental use by cattle to promote wildlife refuge purposes.

The Camas National Wildlife Refuge was established by Executive Order 7720 of October 12, 1937 as a refuge and breeding ground for migratory birds and other wildlife.

15. Basis of Claim (Check one) Beneficial Use ___ Posted Notice ___
License ___ Permit ___ Decree X

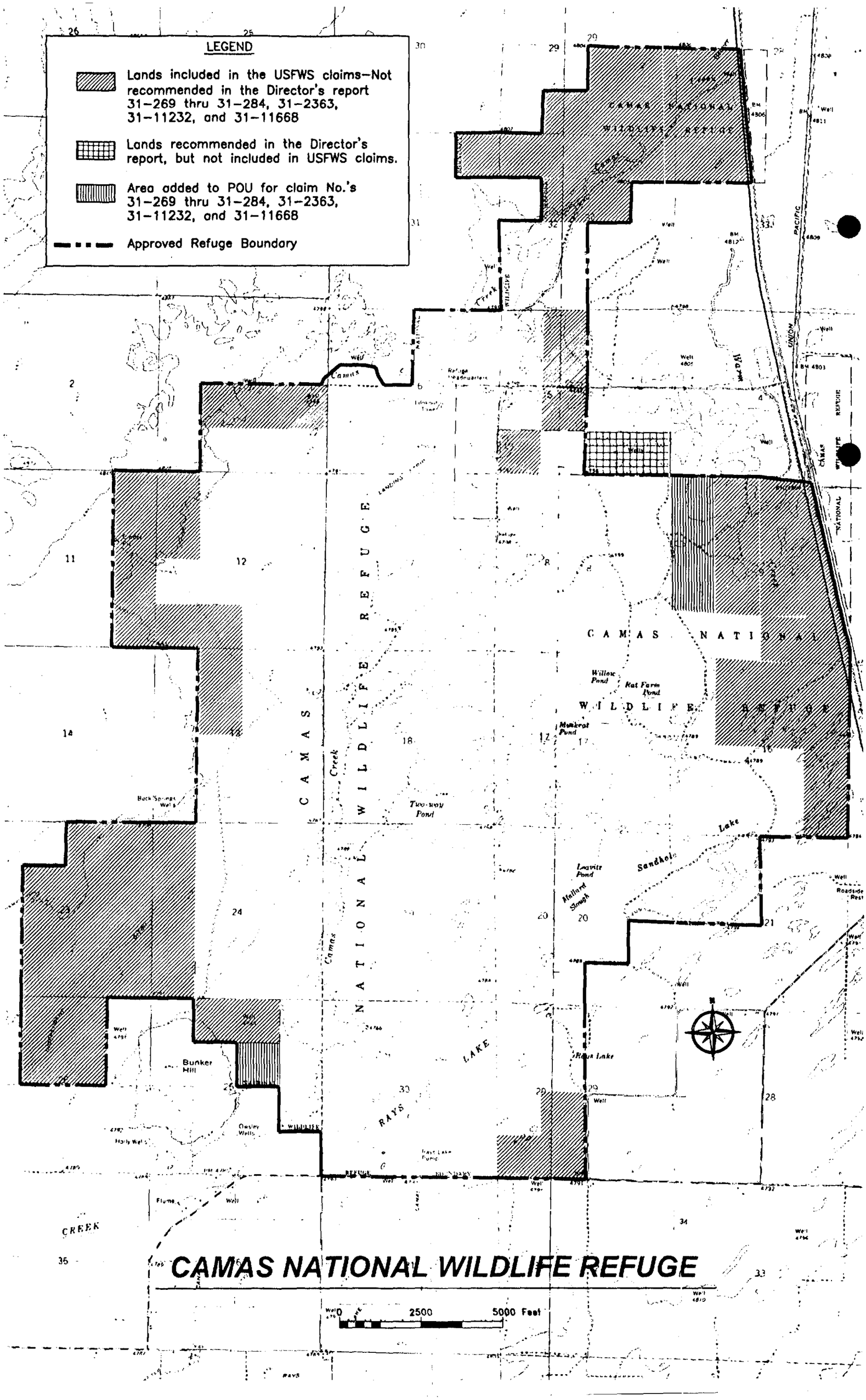
If applicable provide IDWR Water Right Number 31-0231
Court ___ Case Number 635 Decree Date ___

United States of America
Fish and Wildlife Service
MICROFILMED
NOV 14 1996
A31-00231



WATER RIGHT NUMBER 31-0231

MICROFILMED
NOV 14 1996



CAMAS NATIONAL WILDLIFE REFUGE

ATTACHMENT

CAMAS NATIONAL WILDLIFE REFUGE

Jefferson County, Idaho

Township 7 North, Range 36 East, Boise Meridian

Section 5, NW¼, S½SW¼, NE¼SW¼;
Section 6, E½, SW¼;
Section 7, All;
Section 8, All;
Section 9, That portion of NE¼ lying W of old U.S. Highway 91, NW¼, SW¼, that portion of SE¼ lying W of old U.S. Highway 91;
Section 16, All;
Section 17, All;
Section 18, All;
Section 19, All;
Section 20, NE¼, W½, NW¼SE¼;
Section 21, NW¼;
Section 29, W½;
Section 30, All;

Township 8 North, Range 36 East, Boise Meridian

Section 28, That portion of SW¼ lying W of old U.S. Highway 91;
Section 29, SE¼, SE¼SE¼;
Section 31, NE¼NE¼;
Section 32, NE¼NE¼, W½NE¼, E½NW¼, NW¼NW¼, SW¼;
Section 33, That portion of N½NW¼ lying W of old U.S. Highway 91;

Township 7 North, Range 35 East, Boise Meridian

Section 1, E½SW¼, SE¼;
Section 11, E½NE¼, E½SE¼;
Section 12, All;
Section 13, E½, E½NW¼, E½SW¼;
Section 23, E½, SE¼NW¼, E½SW¼;
Section 24, All;
Section 25, NE¼, Lot 3, NE¼NW¼;
Section 26, W½NE¼, E½NW¼.

AP91-C MICROFILMED
NOV 14 1996

GENERAL INFORMATION

CLAIM NUMBER: A31-00231

LAST: AMERICA, ACTING THROUGH FIRST: UNITED STATES OF
ADDRESS: USDI FISH AND WILDLIFE SER
DIVISION OF ENGINEERING
911 NE 11TH AVE
CITY: PORTLAND STATE: OR ZIP: 972324181
PHONE NUMBER: 503-231-6145

OWNER CODE: C

LAST: SCHLAGEL FIRST: MARTIN D.
ADDRESS:
CITY: X STATE: ID ZIP: 0
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: FWS FIRST:
ADDRESS:
CITY: PORTLAND STATE: OR ZIP: 97232
PHONE NUMBER: 208-000-0000

OWNER CODE: K

LAST: HAUGRUD K JACK OR D ZANE OR M GHELETA FIRST:
ADDRESS: US DEPARTMENT OF JUSTICE
ENV & NR DIVISION
550 W FORT ST BOX 33
CITY: BOISE STATE: ID ZIP: 83734
PHONE NUMBER: 202-272-4134

OWNER CODE: A

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	Y(___) N(___)

CLAIM REMARKS: GEN THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN DECREE NO. 635.

USE OF WATER FOR REFUGE PURPOSES INCLUDES IRRIGATION OF MEADOWS AND MARSHES, AND INCIDENTAL USE BY CATTLE TO PROMOTE WILDLIFE REFUGE PURPOSES.

PLACE OF USE: WITHIN THE CAMAS NATIONAL WILDLIFE REFUGE (SEE ATTACHMENT 1).

THE CAMAS NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER 7720 OF OCTOBER 12, 1937 AS A REFUGE AND BREEDING GROUND FOR MIGRATORY BIRDS AND OTHER WILDLIFE.

CONTACT PERSON: Gerald Deutscher PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY:_____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Statement from Jerry Oct 20 is that Spring hasn't produced a significant amount of water lately due to lower Watertable

- Not activity in use - But Not claimants Fault - No Forfeiture

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A31-00231

A. AJ CLAIM: # A31-00231 PRIORITY DATE: 04-01-1916 STAGE: D

B. WR RECORD: # 31-00231 PRIORITY DATE: 04-01-1916 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(✓) N(___)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(___) N(✓)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) Y(___) N(✓)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED	N/A(___)	Y(___)	N(___)
FIELD EXAM COMPLETED	N/A(___)	Y(___)	N(___)
FIELD EXAM SENT TO STATE OFFICE	N/A(___)	Y(___)	N(___)
LICENSE ISSUED	N/A(___)	Y(___)	N(___)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? N/A(___) Y(___) N(___)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(✓) N(___)

NOTES: Claimed as Recommended

==========

RECOMMENDED PRIORITY DATE:

04-01-1916

REVIEWED BY Craig L Taylor DATE 11/9/00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A31-00231	07N	36E	9		SW	NE			JEFFERSON		
A31-00231	07N	36E	9		SE	NE			JEFFERSON		
A31-00231	07N	36E	9		NE	NW			JEFFERSON		
A31-00231	07N	36E	9		NW	NW			JEFFERSON		
A31-00231	07N	36E	9		SW	NW			JEFFERSON		
A31-00231	07N	36E	9		SE	NW			JEFFERSON		
A31-00231	07N	36E	9		NE	SW			JEFFERSON		
A31-00231	07N	36E	9		SE	SW			JEFFERSON		
A31-00231	07N	36E	9		NE	SE			JEFFERSON		
A31-00231	07N	36E	9		NW	SE			JEFFERSON		
A31-00231	07N	36E	9		SW	SE			JEFFERSON		
A31-00231	07N	36E	9		SE	SE			JEFFERSON		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
NONE	NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: SPRINGS AND SEEPS TRIB: WARM CREEK

B. WR POINT OF DIVERSION AND SOURCE:

3100231 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: UNNAMED SLOUGH TRIB: MUD LAKE

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(___) N(✓)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(___) Y(___) N(✓)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(✓) N(___)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(✓) N(___)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(___) N(___)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(___) N(___)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Phone discussion with Jerry Deutscher Early November 2000.
See Notes By Ernie Carlsen in file - July 27 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
07N	36E	9		SW	NE			JEFFERSON		
07N	36E	9		SE	NE			JEFFERSON		
07N	36E	9		NE	NW			JEFFERSON		
07N	36E	9		NW	NW			JEFFERSON		
07N	36E	9		SW	NW			JEFFERSON		
07N	36E	9		SE	NW			JEFFERSON		
07N	36E	9		NE	SW			JEFFERSON		
07N	36E	9		SE	SW			JEFFERSON		
07N	36E	9		NE	SE			JEFFERSON		
07N	36E	9		NW	SE			JEFFERSON		
07N	36E	9		SW	SE			JEFFERSON		
07N	36E	9		SE	SE			JEFFERSON		
7N	36E	16	NE	NW	SW	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___

SOURCE: Schlagel Spring TRIB: Mud Lake

REVIEWED BY: Craig L. Gehrke DATE: 11/27/00

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (5)

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A31-00231

A. ROOT WATER RIGHT NUMBERS: A31-00231

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
ADDITIONAL POU FOUND											

TOTAL ACRES A31-00231

POU COUNTY:

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y(___) N(✓)

* IF YES, ARE THESE TRACTS LISTED ABOVE (___), OR ARE THEY LISTED ON AN ATTACHED SHEET (___)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y(✓) N(___)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 31-00269 THRU 00284/2251/2322/2350/2362/2363/4016/4066/7301

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(___) N(✓)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A(___) Y(✓) N(___)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y(___) N(___)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y(___) N(✓)

PAGE: 7 7
PLACE OF USE REVIEW SHEET CLAIM NUMBER: A31-00231

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. _____; ( ) TOPOGRAPHIC QUAD, IDWR NO. _____;

(✓) NAPP, IDWR NO. 1987; ( ) ASCS PHOTO; ( ) OTHER _____

NOTES: _____

==========

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A(✓)

REVIEWED BY: Craig Saxton DATE: 11/27/00

==========

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CLAIM NUMBER: A31-00231

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A31-00231	WILDLIFE	FROM 01-01 TO 12-31	0.800 CFS	
	TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
31-00231	IRRIGATION	FROM 05-01 TO 09-01	0.800 CFS	
31-00231	STOCKWATER	FROM TO		
31-00231	DOMESTIC	FROM TO		
	TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N(___)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(___) N(✓)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(✓) N(___)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(___) N(✓)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(___) N(✓)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(___) Y(___) N(✓)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y(___) N(___)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(✓) Y(___) N(___)

NOTES: Period of Use - Water Rises on Refuge so it is available year Round. Recommended as FWR Standards

Purpose of USE - Deemed as irrigation but used for Wildlife, 604 added

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(___) N(✓)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

E. FLOW MEASUREMENT

MEASUREMENT METHOD Decreed at 0.80 cfs, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(___) N(___)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(___) N(___)

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 244.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW (___) OR SEE ATTACHMENT (___)

NOTES: Period of use - Not defined in original Decree. But since originally decreed as "Irrigation" IDWR standards used as Period of use.

Springs Flow year round when water table is high enough but since Sekelegal Slough is tributary to mud lake, year round use would injur mud lake storage

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
WILDLIFE	~~01-01~~	~~12-31~~	0.800				~~244.0~~	N/A
	4-1	10-31						
TOTAL FOR THIS RIGHT								

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: Craig L. Sparks DATE: 11/27/00

FLAG: D ____

STANDARD CONDITIONS (CODE):

C18

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(✓)	( )
FORFEIT/ABANDON _____	( )	( )
ADDITIONAL DIV. AMOUNT _____	( )	( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00231

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE: 0.800 — EXAMINER: _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00231	0.800	-		31-00231	0.800
	TOTAL CFS	0.800				0.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) — DATABASE: Y — FIELD EXAMINER: Y(___) N(___)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW (___) OR SEE ATTACHMENT (___)?

NOTES:

Not a Split

AUTHENTICATION:

SIGNATURE: Craig L. Saxton DATE: 11/27/00

NAME OF FIELD EXAMINER: Craig Saxton TITLE: Water Resource Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION		COPY INCLUDED IN FILE?
( ) ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDWR ID NO. _____	Y(___) N(___)
( ) TOPOGRAPHIC	DATE FIELD CHECKED _____	IDWR ID NO. _____	Y(___) N(___)
(✓) NAPP	DATE OF PHOTO 1987	IDWR ID NO. _____	Y(___) N(___)
( ) ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y(___) N(___)
( ) ASCS COLOR SLIDE	DATE OF PHOTO _____		Y(___) N(___)
( ) BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y(___) N(___)
( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y(___) N(___)
( ) SCS SOIL SURVEY MAP	DATE ISSUED _____		Y(___) N(___)
( ) SUBDIVISION PLAT MAP	DATE OF MAP _____		Y(___) N(___)
( ) OTHER _____	DATE _____		Y(___) N(___)
( ) OTHER _____	DATE _____		Y(___) N(___)
( ) OTHER _____	DATE _____		Y(___) N(___)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION		NO. OF PAGES	NOTES
( ) LICENSING FIELD EXAM	DATE OF FIELD EXAM	_____	___	_____
( ) WATER RIGHT LICENSE	DATE LICENSE SIGNED	_____	___	_____
( ) IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED	_____	___	_____
( ) SYSTEM DESCRIPTION	DATE DRAWN	_____	___	_____
( ) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	_____	___	_____
( ) SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED	_____	___	_____
( ) HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED	_____	___	_____
( ) CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED	_____	___	_____
( ) FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED	_____	___	_____
(✓) OTHER Decree - Sawve	DATE	_____	1	_____
( ) OTHER _____	DATE	_____	___	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:19:39
04/25/00

QUICKLOOK INFORMATION

15
CLAIM NUMBER: A31-00231

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N		CS 11/27/00		
POINT OF DIV	Y			Y				
SOURCE	Y			N				
PLACE OF USE				Y				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			N/A				
PURPOSES OF USE	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

_____

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA, ACTING THROUGH	04/01/1916	WILDLIFE	~~01 01~~ 4-1	~~12 31~~ 10-31	0.800 CFS	
				TOTAL DIVERSION:		0.800 CFS	
				CONSUMPTIVE USE:			~~244.96~~ 176

Water Source: SPRINGS AND SEEPS Tributary to: WARM CREEK Stage: DECREED

Point(s) of Diversion: T07N R36E ~~S09 SWNE SENE NENW NWNW JEFFERSON County~~
~~S09 SWNW SENW NESW SESW JEFFERSON County~~
~~S09 NESE NWSE SWSE SESE~~ JEFFERSON County
S16 NENWSW

POU County: ?

Other Rights: 31-00269 THRU 00284/2251/2322/2350/2362/2363/4016/4066/7301

Remarks: GEN THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN DECREE NO. 635.
USE OF WATER FOR REFUGE PURPOSES INCLUDES IRRIGATION OF MEADOWS AND MARSHES, AND INCIDENTAL USE BY CATTLE TO PROMOTE WILDLIFE REFUGE PURPOSES.
PLACE OF USE: WITHIN THE CAMAS NATIONAL WILDLIFE REFUGE (SEE ATTACHMENT 1).
THE CAMAS NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER 7720 OF OCTOBER 12, 1937 AS A REFUGE AND BREEDING GROUND FOR MIGRATORY BIRDS AND OTHER WILDLIFE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 31 Field Inspection Flag:
Presumption Flag: D

C18

RECEIVED
AUG 02 2002
Department of Water Resources
Adjudication Bureau

2002 JUL 31 PM 12:19
DISTRICT COURT-SRBA
TWIN FALLS CO.,IDAHO
FILED

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

In Re SRBA	)	
	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	
	)	**For Water Right 31-231, 31-269, 31-270,**
	)	**31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2363, 31-11232**

On May 31, 2002, a ***Special Master's Report and Recommendation*** was filed for the above water right. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and ***SRBA Administrative Order 1***, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the ***Special Master's Report*** and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-231, 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2363, 31-11232 is hereby **decreed** as set forth in the attached ***Partial Decree*** Pursuant to I.R.C.P. 54(b).

DATED July 31, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on July 30, 2002, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA
UNITED STATES OF AMERICA ACTIN
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Robbin Gilbert
Deputy Clerk

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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 31-00231

01 NOV 31 PM 12:20
DISTRICT COURT-SRBA
Twin Falls County, Idaho
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181

SOURCE: UNNAMED SLOUGH TRIBUTARY: WARM CREEK

QUANTITY: 0.80 CFS

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION: T07N R36E S16 NENWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Wildlife	04-01 TO 10-31	0.80 CFS

PLACE OF USE: Wildlife — Within Jefferson County

T07N R36E S08	NENE	SENE
	NESE	
S09	NENE	NWNE
	SWNE	SENE
	NENW	SENW
	NESW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S16	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW

THIS RIGHT IS LIMITED TO 40 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECEIVED
JAN 2 2 2002
Department of Water Resources
Eastern Region

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

In Re SRBA)
)
Case No. 39576)
)
)
)

A. Subcase 31-231
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America (Fish and Wildlife Service)

Address: 911 N. E. 11th Ave.
Portland, OR 97232-4181

Daytime Phone: (208) 662-5423

Name & Address of Attorney, if any:

James DuBois, Esq.
999 18th Street, Suite 945
Denver, Colorado 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America, acting through USDI Fish and Wildlife Service

Address: 911 N. E. 11th Ave.
Portland, OR 97232-4181

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☒ **Place of Use**
   Should be: A. The following parcels should be deleted from the place of use: (1) NWNW Section 9, T07N, R36E; (2) SWNW Section 9, T07N, R36E; (3) NWSW Section 9, T07N, R36E

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The United States, in cooperation with IDWR has determined that the parcels to be deleted are irrigated with surface water from Camas Creek and with groundwater from wells, and not from the seeps and springs described in this claim. In order to accurately describe this water right, these changes

should be made to the places of use.

F. VERIFICATION (Must be Completed)

State of Colorado)
)ss.
County of Denver)

James DuBois, Esq., duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

James DuBois
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1/11/02

Corrine A. Christen
Notary Public for Colorado
Residing at: Denver
My Commission Expires: 8/11/02

CORRINE A. CHRISTEN NOTARY PUBLIC STATE OF COLORADO

My Commission Expires 08/11/2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 11 , 2002 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

   Name: United States of America (Fish and Wildlife Service)
   Address: 911 N. E. 11th Ave.
   Portland, OR 97232-4181

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   PO Box 44449
   Boise, ID 83711-4449

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

Signature of Objector or attorney
mailing on Objector's behalf

01/25/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-231

UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 972324181
Telephone Number: (503)231-6145

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1) Source

2) Place of Use

2. Describe the changes you wish to make in the proposed recommendation:

1) Change from Springs to Springs and Seeps.

2) Change "THIS RIGHT IS LIMITED TO OF 40 ACRES ...," to "THIS RIGHT IS LIMITED TO 40 ACRES ...."

3. Give a brief explanation as to why you disagree with these portions:

1) The Source is from both Springs and local seeps.

2) This appears to be a typographical error.

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

DATE: 3/7/01 **SIGNATURE:** Tim Mayer

Please print your name: Tim Mayer

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Place of Use Change made CS 3/12/01

27 July 94
Randy Sp & Gerald D.

Source - Schlagel Spring & seeps -
rises on east side of refuge - collects into Warm Creek and flows south. - control structure north of Sandhole Lake. used to back water up and inundate area north of lake.

Sandhole Lake is supplemented by water in Warm Creek. But is primarily supplied by shallow groundwater table.

P.O.D. - probably control structure.

P.O.U. - north of control structure
west of I-15
east of ditch.

N.U. - managing vegetation for wildlife nesting & habitat. not irrigating crops.
(public access limited so recreation N.U. not appropriate.

Period of Use - water rises on refuge - so it is available for year around use.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN D. SCHLAGEL	04/01/1916	IRRIGATION	05/01	09/01	0.800 CFS	
			STOCKWATER	00/00	00/00		
			DOMESTIC	00/00	00/00		
					TOTAL DIVERSION:	0.800 CFS	

Water Source: UNNAMED SLOUGH Tributary to: MUD LAKE Stage: DECREED

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
07N	36E	9			I	I	I	I	I	I	I			I	I	I	I	I	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: JEFFERSON

Other Water Rights Listing Overlapping Place(s) of use:
31-02363 31-07370F 31-07440 31-07627B

Remarks: GEN P/D ON OR NEAR P/U.

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

Priority Date: 04/01/1916
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 31 Field Exam Fee:

Audit: 07/15/85 05/22/88 CONVERT

Martin D. Schlagel

31 231

1916 - April 1 — 0.8 c. f. s.

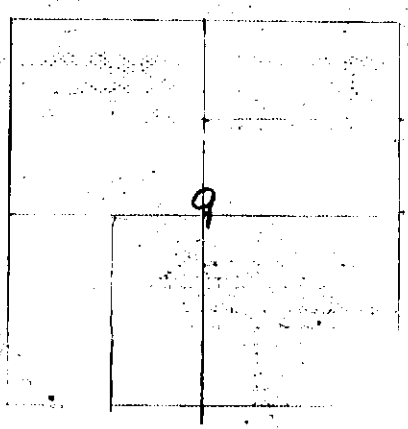
Source: An unnamed slough or lake near Hamer, Idaho, a tributary to Mud Lake.

7N, 36E 9 NW ¼
S½ NE ¼
SE ¼
E½ SW ¼

Point of Diversion: On the land to be irrigated, and hereinafter described.

For use on the following described land, to-wit: The Northwest quarter, the South Half of the Northeast Quarter, the Southeast Quarter, and the East Half of the Southwest quarter, of Section 9, Township 7 North, Range 36 East, B. M.

No. 119



Eastern

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

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

Index of Fish & Wildlife Service Declarations

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

Declaration filed w/ 31-04066

MICROFILMED
NOV 14 1995