

12/08/2000

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

RIGHT NUMBER: 31-272

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: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 2 CFS

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION:	T07N R35E S1	NESWSE	Within JEFFERSON County
	T08N R36E S32	NESENW	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	04-01 10-31	2.00 CFS

PLACE OF USE:

WILDLIFE Within JEFFERSON County

T07N R35E S1		SESW	T07N R35E S1		SWSE
T07N R35E S12	LOT 1	NENE	T07N R35E S12		NWNE
T07N R35E S12		SWNE	T07N R35E S12	LOT 2	SENE
T07N R35E S12		NENW	T07N R35E S1	LOT 7	SESE
T07N R35E S12		SESW	T07N R35E S12		NESW
T07N R35E S12		NWSW	T07N R35E S12	LOT 3	NESE
T07N R35E S12		NWSE	T07N R35E S12		SWSE
T07N R35E S12	LOT 4	SESE	T07N R35E S13	LOT 1	NENE
T07N R35E S13		NWNE	T07N R35E S13		SWNE
T07N R35E S13	LOT 2	SENE	T07N R35E S13		NESW
T07N R35E S13		SESW	T07N R35E S13	LOT 3	NESE
T07N R35E S13		NWSE	T07N R35E S13		SWSE
T07N R35E S13	LOT 4	SESE	T07N R35E S24	LOT 1	NENE
T07N R35E S24		NWNE	T07N R35E S24		SWNE
T07N R35E S24	LOT 2	SENE	T07N R35E S24		NENW
T07N R35E S24		SESW	T07N R35E S24		NESW
T07N R35E S24		NWSE	T07N R35E S24	LOT 3	NESE
T07N R35E S24		SESE	T07N R35E S24		SWSE
T07N R35E S24	LOT 4	SESE	T07N R35E S25	LOT 1	NENE
T07N R35E S25	LOT 2	SENE	T07N R35E S25	LOT 3	NESE

T07N R36E S16		NWNW	T07N R36E S16		SWNW
T07N R36E S16		NESW	T07N R36E S16		NWSW
T07N R36E S16		SWSW	T07N R36E S16		SESW
T07N R36E S16		NWSE	T07N R36E S16		SWSE
T07N R36E S17		NENE	T07N R36E S17		NWNE
T07N R36E S17		SWNE	T07N R36E S17		SENE
T07N R36E S17		NENW	T07N R36E S17		NWNW
T07N R36E S17		SWNW	T07N R36E S17		SENW
T07N R36E S17		NESW	T07N R36E S17		NWSW
T07N R36E S17		SWSW	T07N R36E S17		SESW
T07N R36E S17		NESE	T07N R36E S17		NWSE
T07N R36E S17		SWSE	T07N R36E S17		SESE
T07N R36E S18		NENE	T07N R36E S18		NWNE
T07N R36E S18		SWNE	T07N R36E S18		SENE
T07N R36E S18		NENW	T07N R36E S18	LOT 1	NWNW
T07N R36E S18	LOT 2	SWNW	T07N R36E S18		SENW
T07N R36E S18		NESW	T07N R36E S18	LOT 3	NWSW
T07N R36E S18	LOT 4	SWSW	T07N R36E S18		SESW
T07N R36E S18		NESE	T07N R36E S18		NWSE
T07N R36E S18		SWSE	T07N R36E S18		SESE
T07N R36E S19		NENE	T07N R36E S19		NWNE
T07N R36E S19		SWNE	T07N R36E S19		SENE
T07N R36E S19		NENW	T07N R36E S19	LOT 1	NWNW
T07N R36E S19	LOT 2	SWNW	T07N R36E S19		SENW
T07N R36E S19		NESW	T07N R36E S19	LOT 3	NWSW
T07N R36E S19	LOT 4	SWSW	T07N R36E S19		SESW
T07N R36E S19		NESE	T07N R36E S19		NWSE
T07N R36E S19		SWSE	T07N R36E S19		SESE
T07N R36E S20		NENE	T07N R36E S20		NWNE
T07N R36E S20		SWNE	T07N R36E S20		SENE
T07N R36E S20		NENW	T07N R36E S20		NWNW
T07N R36E S20		SWNW	T07N R36E S20		SENW
T07N R36E S20		NESW	T07N R36E S20		NWSW
T07N R36E S20		SWSW	T07N R36E S20		SESW
T07N R36E S20		NWSE	T07N R36E S21		NENW
T07N R36E S21		NWNW	T07N R36E S21		SWNW
T07N R36E S21		SENW	T07N R36E S29		NENW
T07N R36E S29		NWNW	T07N R36E S29		SWNW
T07N R36E S29		SENW	T07N R36E S29		NWSW
T07N R36E S30		NENE	T07N R36E S30		NWNE
T07N R36E S30		SWNE	T07N R36E S30		SENE
T07N R36E S30		NENW	T07N R36E S30	LOT 1	NWNW
T07N R36E S30	LOT 2	SWNW	T07N R36E S30		SENW
T07N R36E S30		NESW	T07N R36E S30	LOT 3	NWSW
T07N R36E S30	LOT 4	SWSW	T07N R36E S30		SESW
T07N R36E S30		NESE	T07N R36E S30		NWSE
T07N R36E S30		SWSE	T07N R36E S30		SESE
T07N R36E S5	LOT 4	NWNW	T07N R36E S5		SWNW
T07N R36E S5		SESW	T07N R36E S5		SWSE
T07N R36E S5		SESE	T07N R36E S6	LOT 1	NENE
T07N R36E S6	LOT 2	NWNE	T07N R36E S6		SWNE
T07N R36E S6		SENE	T07N R36E S6		NESW
T07N R36E S6	LOT 6	NWSW	T07N R36E S6	LOT 7	SWSW
T07N R36E S6		SESW	T07N R36E S6		NESE
T07N R36E S6		NWSE	T07N R36E S6		SWSE
T07N R36E S6		SESE	T07N R36E S7		NENE
T07N R36E S7		NWNE	T07N R36E S7		SWNE
T07N R36E S7		SENE	T07N R36E S7		NENW
T07N R36E S7	LOT 1	NWNW	T07N R36E S7	LOT 2	SWNW
T07N R36E S7		SENW	T07N R36E S7		NESW
T07N R36E S7	LOT 3	NWSW	T07N R36E S7	LOT 4	SWSW
T07N R36E S7		SESW	T07N R36E S7		NESE
T07N R36E S7		NWSE	T07N R36E S7		SWSE
T07N R36E S7		SESE	T07N R36E S8		NENE
T07N R36E S8		NWNE	T07N R36E S8		SWNE
T07N R36E S8		SENE	T07N R36E S8		NENW
T07N R36E S8		NWNW	T07N R36E S8		SWNW

T07N R36E S8	SESW	T07N R36E S8	NESW
T07N R36E S8	NWSW	T07N R36E S8	SWSW
T07N R36E S8	SESW	T07N R36E S8	NESE
T07N R36E S8	NWSE	T07N R36E S8	SWSE
T07N R36E S8	SESE	T07N R36E S9	SWSW
T07N R36E S9	SESW	T08N R36E S32	NESW
T08N R36E S32	NWSW	T08N R36E S32	SWSW
T08N R36E S32	SESW		

THIS RIGHT IS LIMITED TO OF 100 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 3045 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283, AND 31-00284.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES WITHIN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283, 31-00284, 31-02251, 31-02350, 31-02362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.

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 POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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. 31-272

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: 04/01/1886
Basis: Decreed
Status: Valid

Source Tributary to
CAMAS CREEK MUD LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
WILDLIFE	04/01	10/31	2 CFS		
Total Diversion			2 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08N	36E	32	NE SE NW		JEFFERSON
07N	35E	1	NE SW SE		JEFFERSON

Place(s) of use:

Place of Use Legal Description: WILDLIFE

JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	35E	1		SESW										
				SWSE										
		12	1	NENE			NWNE			SWNE		2	SENE	
				NENW										
		1	7	SESE										
		12		SENW										
				NESW			NWSW							
			3	NESE			NWSE			SWSE		4	SESE	
		13	1	NENE			NWNE			SWNE		2	SENE	
				NESW			SESW							
			3	NESE			NWSE			SWSE		4	SESE	
		24	1	NENE			NWNE			SWNE		2	SENE	
				NENW			SENW							
				NESW			SESW							
			3	NESE			NWSE			SWSE		4	SESE	

	25	1	NENE	2	SENE		
		3	NESE				
36E	16		NWNW		SWNW		
			NESW		NWSW	SWSW	SESW
			NWSE		SWSE		
	17		NENE		NWNE	SWNE	SENE
			NENW		NWNW	SWNW	SESW
			NESW		NWSW	SWSE	SESE
			NESE		NWSE	SWNE	SENE
	18		NENE		NWNE	SWNE	SENE
			NENW	1	NWNW	2	SESW
			NESW	3	NWSW	4	SESE
			NESE		NWSE		SENE
	19		NENE		NWNE	SWNE	SENE
			NENW	1	NWNW	2	SESW
			NESW	3	NWSW	4	SESE
			NESE		NWSE		SENE
	20		NENE		NWNE	SWNE	SENE
			NENW		NWNW	SWNW	SESW
			NESW		NWSW		
			NWSE				
	21		NENW		NWNW	SWNW	SESW
	29		NENW		NWNW	SWNW	SESW
			NWSW				
	30		NENE		NWNE	SWNE	SENE
			NENW	1	NWNW	2	SESW
			NESW	3	NWSW	4	SESE
			NESE		NWSE		SENE
	5	4	NWNW		SWNW		
			SESW				
			SWSE		SESE		
	6	1	NENE	2	NWNE	SWNE	SENE
			NESW	6	NWSW	7	SESW
			NESE		NWSE	SWSE	SESE
	7		NENE		NWNE	SWNE	SENE
			NENW	1	NWNW	2	SESW
			NESW	3	NWSW	4	SESE
			NESE		NWSE		SENE
	8		NENE		NWNE	SWNE	SENE
			NENW		NWNW	SWNW	SESW
			NESW		NWSW	SWSE	SESE
			NESE		NWSE		SENE
	9		SWSW		SESW		
08N	32		NESW		NWSW	SWSW	SESW

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 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 100 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 3045 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283 AND 31-00284.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES WITHIN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283, 31-00284, 31-02251, 31-02350, 31-02362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.

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	12/8/00 7:54:52 AM	csaxton			In Process
POD	12/8/00 7:56:33 AM	csaxton			In Process
POU	12/8/00 8:19:43 AM	csaxton			In Process
Priority Date	12/8/00 7:55:28 AM	csaxton			In Process
Quantity	12/8/00 8:33:56 AM	csaxton			In Process
Season	12/8/00 8:31:51 AM	csaxton			In Process
Source	12/8/00 8:15:46 AM	csaxton			In Process
Summary	12/8/00 8:59:23 AM		12/8/00 8:59:23 AM	csaxton	Complete
Use	12/8/00 8:17:17 AM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Overall Max Diversion Rate: 2
 Overall Max Diversion Volume: 0
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 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	12/8/00 7:54:49 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Met with Gerald Deutscher on several prior occasions. Edited point location Edited point location
POD	12/8/00 8:01:01 AM	csaxton	1. (NO) The basis is not beneficial use.
POD	12/8/00 8:00:39 AM	csaxton	2. (YES) Parent right has a Point of Diversion.
POD	12/8/00 7:56:32 AM	csaxton	3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Decreed with 4 POD, now only 2.
			6. (YES) The file contains all the necessary information to verify the POD. 8. (NO) Point of Diversion remark was not required.
			9. (YES) Point of Diversion condition was required.
POU	12/8/00 8:19:41 AM	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.

Priority Date	12/8/00 7:55:27 AM	csaxton	6. (YES) The change can be verified as an accomplished transfer. Comment for 6: When Purpose of use changed from irrigation to wildlife, POU expanded. 9. (YES) The file contains all the necessary information to verify the POU. 12. (YES) POU remark was required. 13. (YES) POU condition was required. 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	12/8/00 8:33:53 AM	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	12/8/00 8:31:45 AM	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, use irrigations season of use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	12/8/00 8:15:44 AM	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. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	12/8/00 8:59:22 AM	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	12/8/00 8:17:15 AM	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, now used for wildlife purposes. 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. (YES) Purpose of Use condition was 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: A31-00272
Date Received: 03-25-93
Receipt No.: X11111
Received By: L. Sherman

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: United States of America Phone: 503-231-6145
(Fish and Wildlife Service)
Address: Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: April 1, 1886
3. Source: Camas Creek Trib. to: Mud Lake
4. Point of Diversion:
Township 8N Range 36E Section 32, SE1/4 of NW1/4, B.M. (Main)
County of Jefferson
Additional Points of Diversion T.7 N., R.35 E., Section 1, NW1/4 of
SE1/4 (Westside).
5. Description of diverting works: (Main): 28' concrete structure with
Parshall flume; (Westside): 24" pipe with slide gate.
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Wildlife	Jan.1	Dec.31	2.0		
7. Total Quantity Claimed is:
2.0 C.F.S. (and/or) _____ A.F.A.
8. Total consumptive use claimed is 492 Acre Feet Per Annum.
9. Non-irrigation uses: Wildlife.
10. Place of Use: Within the Camas National Wildlife Refuge (See Attachment
1).

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



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 31-0231, 31-0269, 31-0270, 31-0271, 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 ☒

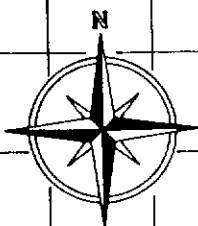
If applicable provide IDWR Water Right Number 31-0272
Court Case Number 635 Decree Date

R 35 E

R 36 E

T 8 N

T 7



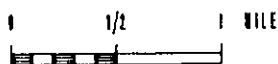
POINTS OF
DIVERSION

PLACE OF USE

WATER RIGHT NUMBER 31-0272

MICROFILMED

NOV 14 1996



CAMAS NATIONAL WILDLIFE REFUGE

Jefferson County, Idaho

Township 7 North, Range 36 East, Boise Meridian

Section 5, NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 6, E $\frac{1}{4}$, SW $\frac{1}{4}$;
 Section 7, All;
 Section 8, All;
 Section 9, That portion of NE $\frac{1}{4}$ lying W of old U.S. Highway 91,
 NW $\frac{1}{4}$, SW $\frac{1}{4}$, that portion of SE $\frac{1}{4}$ lying W of old U.S.
 Highway 91;
 Section 16, All;
 Section 17, All;
 Section 18, All;
 Section 19, All;
 Section 20, NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 21, NW $\frac{1}{4}$;
 Section 29, W $\frac{1}{2}$;
 Section 30, All;

Township 8 North, Range 36 East, Boise Meridian

Section 28, That portion of SW $\frac{1}{4}$ lying W of old U.S. Highway 91;
 Section 29, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Section 33, That portion of N $\frac{1}{2}$ NW $\frac{1}{4}$ lying W of old U.S. Highway 91;

Township 7 North, Range 35 East, Boise Meridian

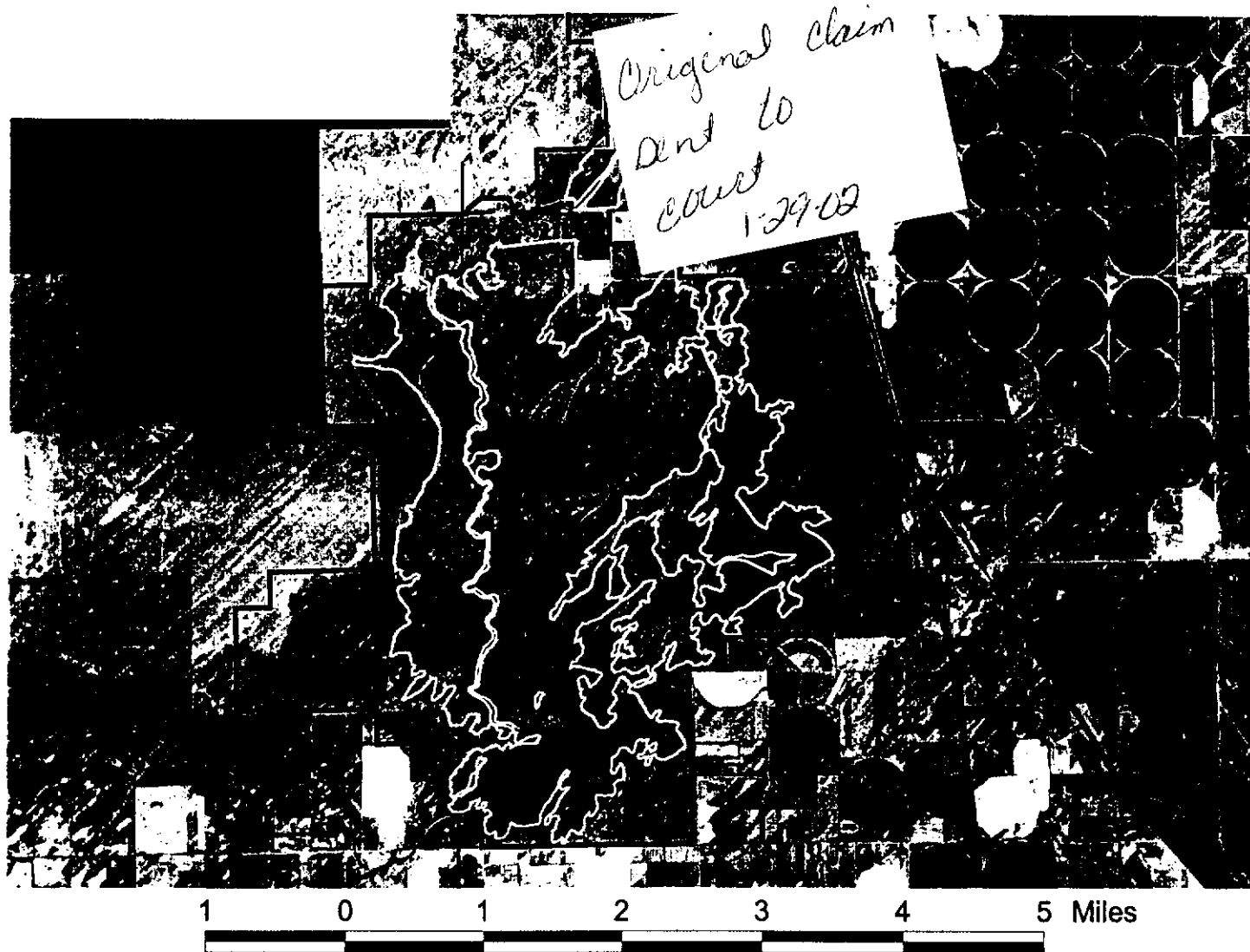
Section 1, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Section 11, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 12, All;
 Section 13, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Section 23, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Section 24, All;
 Section 25, NE $\frac{1}{4}$, Lot 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.



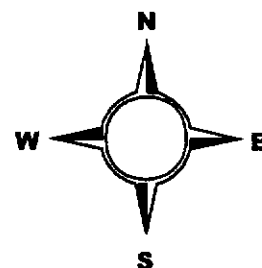
State of Idaho

Department of Water Resources
Eastern Region

Water Rights(s): 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274
31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280
31-00281, 31-00282, 31-00283, and 31-00284.



- Point of Diversion (s)
- Camas National Wildlife Refuge Boundary
- Place of Use - Purpose of Use Wildlife
- Quarter Section Lines
- Section Lines



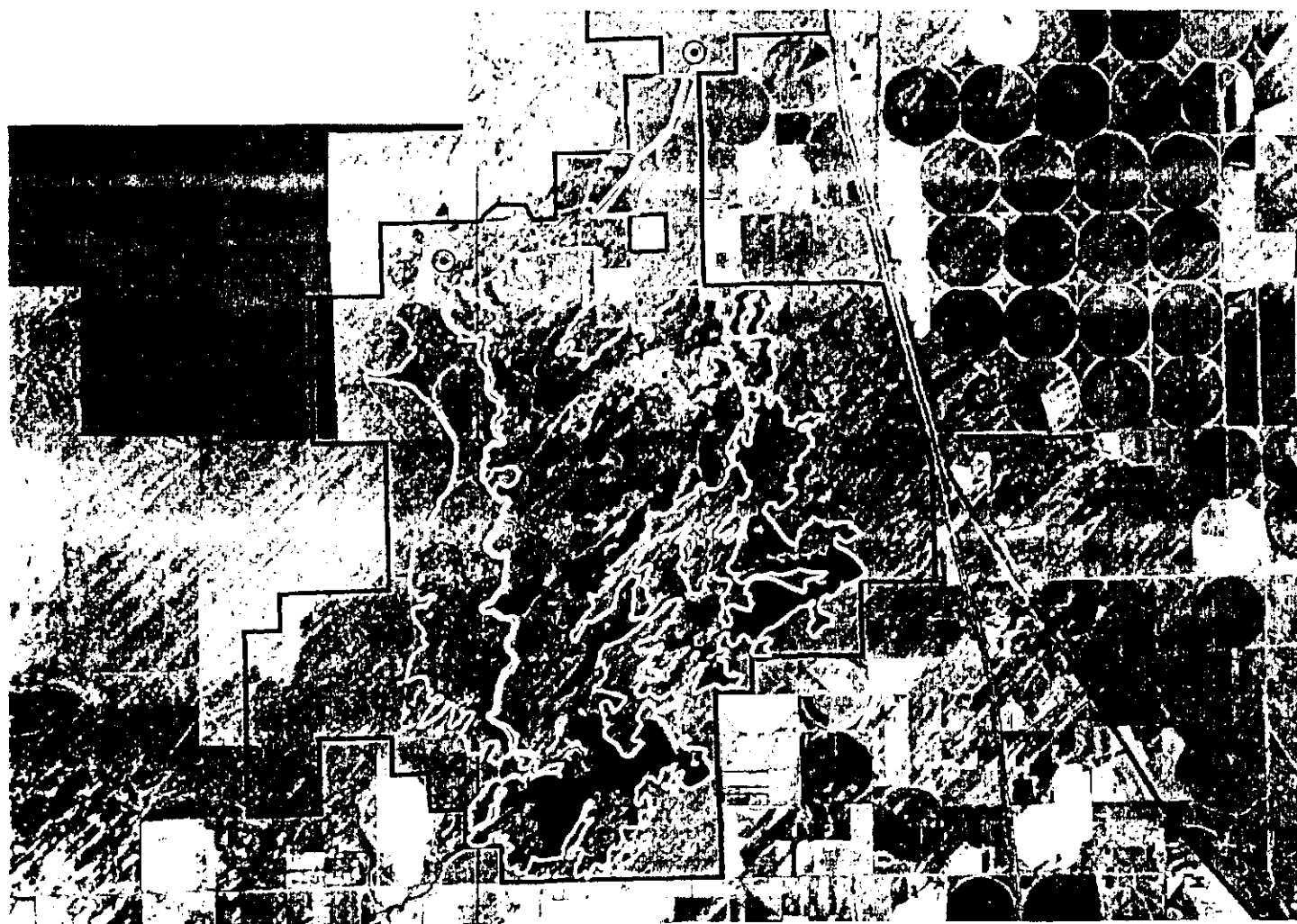
GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: C. Saxton
Date: December 2000



State of Idaho

Department of Water Resources
Eastern Region

Water Rights(s): 31-00263, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274
31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280
31-00281, 31-00282, 31-00283, and 31-00284.



1 0 1 2 3 4 5 Miles



Point of Diversion (s)



Camas National Wildlife Refuge Boundary

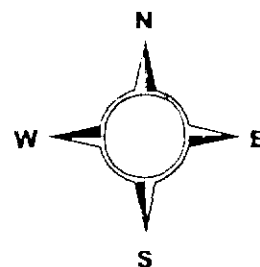
Place of Use - *Point of Diversion*



Quarter Section Lines



Section Lines



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

RECEIVED

AUG 02 2002

Department of Water Resources
Adjudication Division

AUG 31 2002 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

Case No. 39576

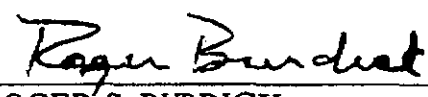
)
) ORDER OF PARTIAL DECREE
)
) For Water Right 31-231, 31-269, 31-270,
) 31-271, 31-272, 31-273, 31-274, 31-275, 31-
276, 31-277, 31-278, 31-279, 31-280, 31-281,
31-282, 31-283, 31-284, 31-2363, 31-11232

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 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

ORDER

Page 1 7/31/02

FILE COPY FOR 00247

Deputy Clerk

Robbin [Signature]

RECEIVED

JAN 22 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 31-272

(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) SWSE Section 5, T07N, R36E; (2) SESE Section 5, T07N, R36E.
B. The following parcels were in the original claim and should be included in the description of the place of use: (1) SWNE Section 25, T07N, R35E; (2) NWNW Section 9, T07N, R36E; (3) SWNW Section 9, T07N, R36E; (4) 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 private land that was

inadvertently included in the claim, and the parcels to be included or added to the reported places of use were originally claimed by the United States, but mistakenly removed from the place of use by IDWR. 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.

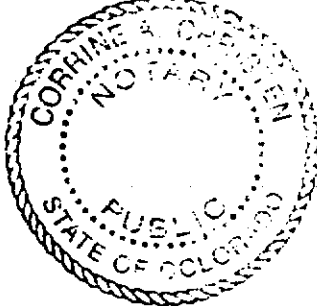
(Signature of person filing objection)

James DuBois

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

1/11/02



Corrine A. Christensen

Notary Public for Colorado

Residing at: Denver

My Commission Expires: 8/11/02

My Commission Expires 8/11/2002

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:

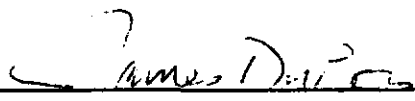
Name: United States of America (Fish and Wildlife Service)
Address: 911 N. E. 11th Ave.
Portland, OR 97232-4181

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

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: 31-272

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):

Place of Use

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

Change "THIS RIGHT IS LIMITED TO OF 100 ACRES ...," to "THIS RIGHT IS LIMITED TO 100 ACRES"

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

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

POU changes made Cuxton 3/12/01

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

<u>No.</u>	<u>Declarant</u>	<u>Sub-basin (report area)</u>	<u>Refuge</u>	<u>Beneficial-Use Claim No. or Title</u>
1.	Martha K. Collins	43 (07) 35 (05) 35 (05) 35 (05)	Minidoka Minidoka Minidoka Minidoka	a. Raft River b. Gifford Spring c. Gifford Spring & assoc. seeps 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
	<i>Declaration Filed w/ 31-04066</i>			
5.	Kevin Ryan	63 (13)	Deer Flat	a. 63-5404

MICROFILMED
NOV 14 1996