

12/14/2000

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

RIGHT NUMBER: 31-280

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: 4 CFS

PRIORITY DATE: 04/01/1895

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 07-01          | 4.00 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 |       | SENW | 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 |       | SENW | T07N R35E S24 |       | NESW |
| T07N R35E S24 |       | SESW | T07N R35E S24 | LOT 3 | NESE |
| T07N R35E S24 |       | NWSE | 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  | SENW | 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 200 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. 31-280

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                                                        |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | UNITED STATES OF AMERICA ACTING THROUGH<br>USDI FISH AND WILDLIFE SER<br>DIVISION OF ENGINEERING<br>911 NE 11TH AVE<br>PORTLAND, OR 972324181<br>(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: 04/01/1895  
Basis: Decead  
Status: Valid

| <u>Source</u> | <u>Tributary to</u> |
|---------------|---------------------|
| 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       | 07/01     | 4 CFS                 |               |                    |

**Total Diversion** 4 CFS

| Point(s) of Diversion: |       |         |                   |     |           |  |
|------------------------|-------|---------|-------------------|-----|-----------|--|
| Township               | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County    |  |
| 07N                    | 35E   | 1       | NE SW SE          |     | JEFFERSON |  |
| 08N                    | 36E   | 32      | NE SE NW          |     | JEFFERSON |  |

**Place(s) of use:**

Place of Use Legal Description: WILDLIFE JEFFERSON County

| <u>Township</u><br>07N | <u>Range</u><br>35E | <u>Section</u><br>1 | <u>Lot</u> | <u>Tract</u><br>SESW<br>SWSE | <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> |
|------------------------|---------------------|---------------------|------------|------------------------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
|                        |                     | 12                  | 1          | NENE<br>NENW                 |              |            | NWNE         |              |            | SWNE         |              | 2          | SENE         |              |
|                        |                     | 1                   | 7          | SESE                         |              |            |              |              |            |              |              |            |              |              |
|                        |                     | 12                  |            | SESW<br>NESW                 |              |            | NWSW         |              |            |              |              |            |              |              |
|                        |                     |                     | 3          | NESE                         |              |            | NWSE         |              |            | SWSE         |              | 4          | SESE         |              |
|                        |                     | 13                  | 1          | NENE<br>NESW                 |              |            | NWNE<br>SESW |              |            | SWNE         |              | 2          | SENE         |              |
|                        |                     |                     | 3          | NESE                         |              |            | NWSE         |              |            | SWSE         |              | 4          | SESE         |              |
|                        |                     | 24                  | 1          | NENE<br>NENW<br>NESW         |              |            | NWNE<br>SESW |              |            | SWNE         |              | 2          | SENE         |              |
|                        |                     |                     | 3          | NESE                         |              |            | NWSE         |              |            |              |              | 4          | SESE         |              |
|                        |                     | 25                  | 1          | NENE                         |              | 2          | SENE         |              |            | SWSE         |              |            |              |              |

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

Conditions of Approval:

1. 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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO OF 200 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.

Comments:

| Author  | Date     | Subject       |
|---------|----------|---------------|
| csaxton | 12/14/00 | ECVR Comments |

Comment  
See file 31-00276 for answers to questions.

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     |
|---------------|----------------------|----------|----------------------|----------|------------|
| Priority Date | 12/14/00 10:27:32 AM | csaxton  |                      |          | In Process |
| Summary       | 12/14/00 12:48:42 PM |          | 12/14/00 12:48:42 PM | csaxton  | Complete   |

Other Information:

Receipt Number(s):  
State or Federal: S  
Owner Name Connector:  
Overall Max Diversion Rate: 4  
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:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

Verification Log:

| Element       | Date Time Stamp      | Reviewer |
|---------------|----------------------|----------|
| POD           | 12/14/00 12:43:01 PM | csaxton  |
| POD           | 12/14/00 12:42:37 PM | csaxton  |
| Priority Date | 12/14/00 10:27:31 AM | csaxton  |

Log Text

Edited point location  
Edited point location  
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.  
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.

|         |                      |         |
|---------|----------------------|---------|
| Summary | 12/14/00 12:48:41 PM | csaxton |
|---------|----------------------|---------|

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: A31-00280  
Date Received: 3-25-93  
Receipt No.: 810414  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: United States of America (Fish and Wildlife Service)  
Address: Division of Engineering  
911 NE 11th Avenue  
Portland, OR 97232-4181  
Phone: 503-231-6145
2. Date of Priority: April 1, 1895
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 | Apr.1 | Jul.1 | 4.0    |      |        |
7. Total Quantity Claimed is:  
4.0 C.F.S. (and/or) \_\_\_\_\_ A.F.A.
8. Total consumptive use claimed is 588 Acre Feet Per Annum.
9. Non-irrigation uses: Wildlife.
10. Place of Use: Within the Camas National Wildlife Refuge (See Attachment 1).

A3100280



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, 31-0272, 31-0273, 31-0274, 31-0275, 31-0276, 31-0277, 31-0278, 31-0279, 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.

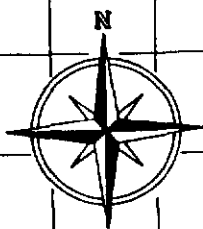
Use of water for Refuge purposes includes irrigation of meadows and marshes, and incidental use by cattle to promote wildlife refuge purposes.

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 31-0280  
Court ☐ Case Number 635 Decree Date ☐

R 35 E

R 36 E



POINTS OF  
DIVERSION

PLACE OF USE

WATER RIGHT NUMBER 31-0280

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 $\frac{1}{2}$ , 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

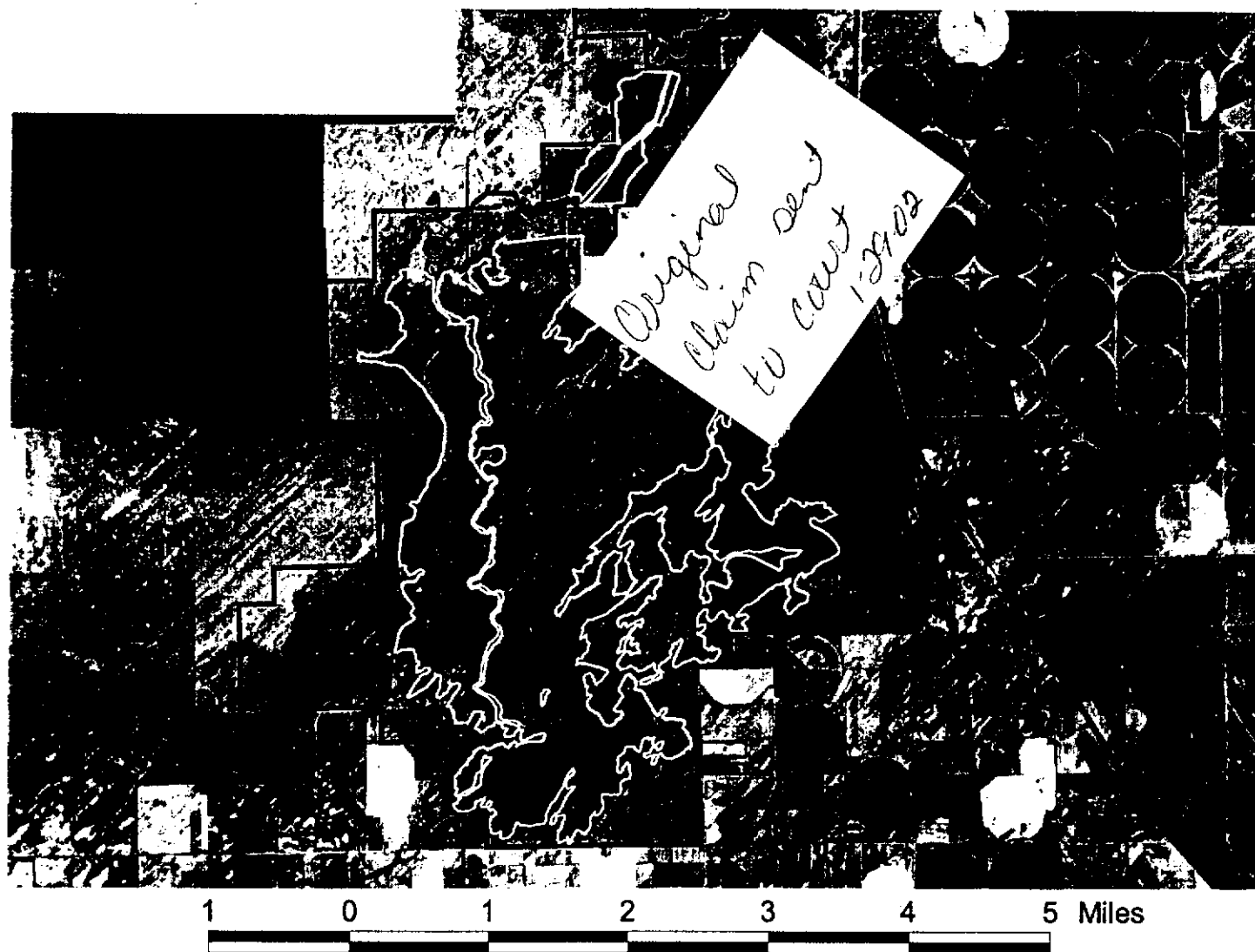
Section 1, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Section 11, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Section 12, All;  
Section 13, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Section 23, E $\frac{1}{2}$ , 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 $\frac{1}{4}$ .



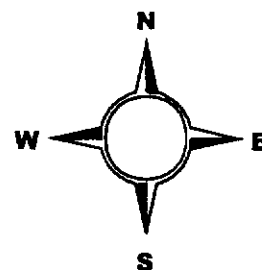
# State of Idaho

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



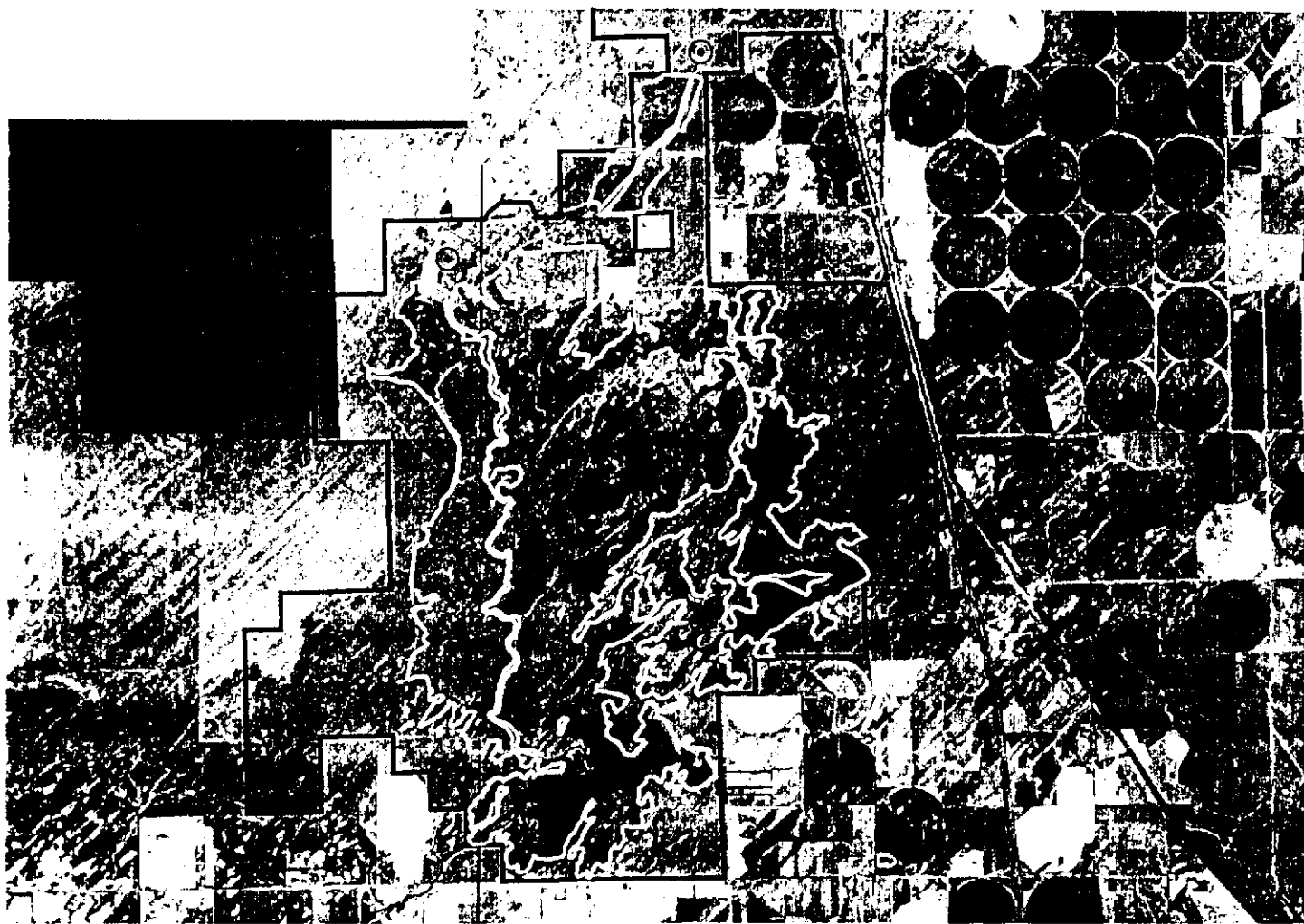
GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: C. Saxton  
Date: December 2000



# State of Idaho

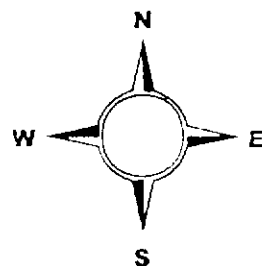
Department of Water Resources  
Eastern Region

Water Rights(s): 31-00269, 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.



1 0 1 2 3 4 5 Miles

-  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

RECEIVED

AUG 02 2002

Department of Water Resources  
Adjudication Bureau

AUG 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

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.

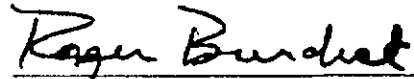
Therefore, IT IS ORDERED that water right 31-231, 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2363, 31-11232 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

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

*Robbin Willard*

RECEIVED  
JAN 2 7 1997  
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 31-280

(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. 11<sup>th</sup> Ave.

Portland, OR 97232-4181

Daytime Phone: (208) 662-5423

Name & Address of Attorney, if any:

James DuBois, Esq.

999 18<sup>th</sup> 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. 11<sup>th</sup> 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.

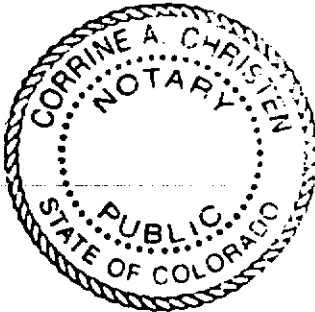
(Signature of person filing objection)

James DuBois

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

1/11/02



My Commission Expires 08/11/2002

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

## 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:

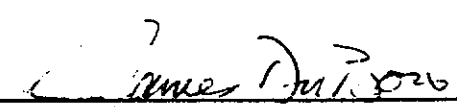
Name: United States of America (Fish and Wildlife Service)  
Address: 911 N. E. 11<sup>th</sup> Ave.  
Portland, OR 97232-4181

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: 31-280

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 200 ACRES ...," to "THIS RIGHT IS LIMITED TO 200 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: \_\_\_\_\_

Please print your name: \_\_\_\_\_

Tim Mayer  
Tim Mayer

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

*POU changes completed. Craxton 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<br/>(report area)</u>           | <u>Refuge</u>                                    | <u>Beneficial-Use<br/>Claim No. or Title</u>                                                                        |
|------------|--------------------------------------|----------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 1.         | Martha K. Collins                    | 43 (07)<br>35 (05)<br>35 (05)<br><br>35 (05) | Minidoka<br>Minidoka<br>Minidoka<br><br>Minidoka | a. Raft River<br>b. Gifford Spring<br>c. Gifford Spring<br>& assoc. seeps<br>d. Unnamed Seeps--<br>Gifford Slough   |
| 2.         | Ronald R. Thomasson                  | 35 (05)                                      | Minidoka                                         | a. Gifford Spring                                                                                                   |
| 3.         | Michael N. Fisher                    | 25 (14)                                      | Grays Lake                                       | a. 25-4032<br>b. 25-4032<br>c. 25-4034<br>d. 25-4046<br>e. Eagle Creek<br>f. Hdqtrs Pond                            |
| 4.         | Gerald L. Deutscher                  | 31 (08)                                      | Camas                                            | a. Well No. 1<br>b. Well No. 2<br>c. Well No. 3<br>d. Well Nos 4,<br>5 & 6.<br>e. 31-4014<br>(Well 9)<br>f. 31-4066 |
|            | <i>Declaration filed w/ 31-04066</i> |                                              |                                                  |                                                                                                                     |
| 5.         | Kevin Ryan                           | 63 (13)                                      | Deer Flat                                        | a. 63-5404                                                                                                          |

MICROFILMED

NOV 14 1996