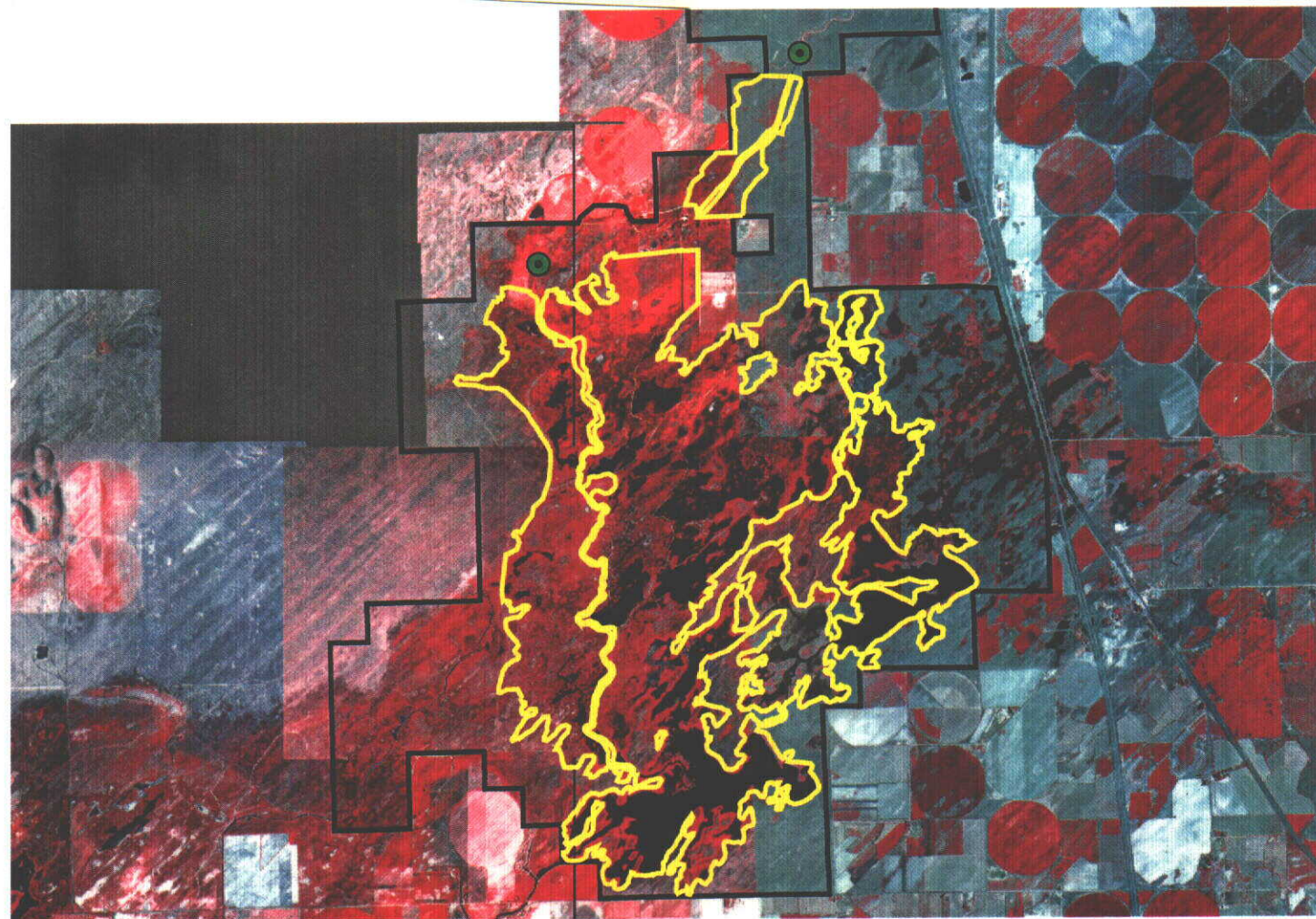


9-1300



1 0 1 2 3 4 5 Miles



Point of Diversion (s)



Camas National Wildlife Refuge Boundary



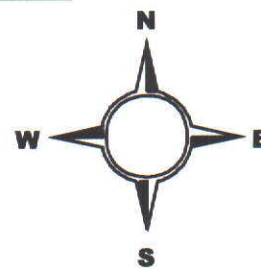
Place of Use - Purpose of Use Wildlife



Quarter Section Lines



Section Lines



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

CAMAS NATIONAL WILDLIFE REFUGE

TABLE OF HISTORIC NON-IRRIGATION WATER USE
FROM CAMAS CREEK

	SEPTEMBER				OCTOBER				NOVEMBER				DECEMBER				JANUARY FEBRUARY MARCH				REMARKS
1940 - 41																					0.0 - 39.2 cfs 3/18-3/31
1941 - 42																					
1942 - 43																					0 - 15 cfs
1943 - 44																					November 6, thru November 17 400 units were diverted from Camas Creek. The maximum levels set up in the 1944 Plan are those which were attained in both 1942 and 1943. December 11, 1943 to April 2, 1944, no diversion. Fall runoff: Camas Creek reached the upper Diversion on Nov. 5. Diversion started on the 6 th at 30 cfs and tapered off to nothing on Nov. 17. During this period, 131 units were diverted as compared to approx. 400 units in 1943 over a period from Oct. 22 to Dec. 10.
1944 - 45																					ICE-FILLED CHANNEL 10 - 35 cfs 3/14-3/31 Camas Creek runoff and diversion into the refuge started on March 14, and continued fairly heavy until July 5. Camas Creek flowed as far as Rays Lake intermittently all winter. Water cannot be taken at diversion No. 1 because of the ice filled channel. Channel will not be free until probably late February or March.
1945 - 46																					ICE-FILLED CHANNEL 10 - 30 cfs The length of time that the channel was ice-filled was estimated based on annual temperature records.
1946 - 47																					Estimated total October flow was 50 24-hr sec. ft. or 100 acre-feet. In November the flow varied from 3 to 10 cfs. A fair estimate for the total November flow is 250 cfs. Gate closed December 2, due to ice build-up. The length of time that the channel was ice-filled was estimated based on annual temperature records.
1947 - 48																					8.0 - 36.3 cfs 3/12 - 3/31 March 12 was the first diversion for the 1947 season. Takeouts icebound prior to that.
1948 - 49																					Had a very good Spring runoff. Water started one month, four days later than in 1947. By the 25 th of April, the Creek was at flood stage and we were taking 27 cfs into the ponds. Water remained high until May 18 th when it was one foot below the reading of April 25 th . Then building up slowly to the season's high on June 26 th . All flow stopped on July 12 th , one day later than in 1947. Very little Fall runoff.
1949 - 50																					Had a heavy though short runoff and filled the ponds in 15 days. No fall or early winter flow in the Creek that reached our head gate.
1950 - 51																					Note: The 1950 Plan states that they "Take the water as fast as possible to fill the ponds as early as possible and keep them full as long as possible." During the period November 7 - 16, we were able to get a little water out of the creek, probably not to exceed 2 cfs. In all it would

NO FLOW AT USGS GAGE

FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS

FLOW AT USGS GAGE GREATER THAN 4.0 CFS

CAMAS NATIONAL WILDLIFE REFUGE

TABLE OF HISTORIC NON-IRRIGATION WATER USE
FROM CAMAS CREEK

	SEPTEMBER				OCTOBER				NOVEMBER				DECEMBER				JANUARY FEBRUARY MARCH REMARKS			
									exceed 2 cfs									not amount to over 20 units.		
1951 - 52																				
1952 - 53	113 ac-ft				1.3 - 5.2 cfs 10/1 - 10/31				1.1 To 2.9									The year saw more water in Camas Creek than seen in the memory of man. Much damage from the mountain to lower end of the Refuge.		
1953 - 54																				
1954 - 55																				
1955 - 56																		As of December 24, 1955, Camas Creek was at flood level. The flood was short duration but filled the Big Pond and improved conditions at Rays Lake.		
1956 - 57																		The spring run-off from Camas Creek filled all ponds and lakes to their maximum levels. Camas Creek flows ended in late June. 2417 cfs was taken from Camas Creek for pond and irrigation use. Many of the ponds and lakes fed from Camas Creek were partially filled by unseasonable high water late in December. Camas Creek reached flood stage this year in mid-March.		
1957 - 58																		Camas Creek resumed flowing in late October and was still carrying a good flow at the end of December.		
1958 - 59																				
1959 - 60																				
1960 - 61																				
1961 - 62																		9 - 87.5 cfs		

NO FLOW AT USGS GAGE

FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS

FLOW AT USGS GAGE GREATER THAN 4.0 CFS

CAMAS NATIONAL WILDLIFE REFUGE

TABLE OF HISTORIC NON-IRRIGATION WATER USE
FROM CAMAS CREEK

	SEPTEMBER				OCTOBER				NOVEMBER				DECEMBER				JANUARY FEBRUARY MARCH REMARKS			
																	2/13 - 2/2019.7 - 113 cfs 3/23 - 3/31 Camas Creek reached the Refuge for the first time on February 13 th and ceased on August 16 th . Approximately 11,047 acre-feet were received. On many occasions the flow was so great into lower portion of the Refuge from flooding that the Refuge was unable to take its full decreed right. Total units taken for the year was 5523.5.			
1962 - 63																				
1963 - 64																				
1964 - 65																				
1965 - 66																				
1966 - 67																				
1967 - 68																				
1968 - 69	20% above flow for 1967	20% above flow for 1967	20% above flow for 1967	20% above flow for 1967													Camas Creek flow entered the Refuge the first time during 1968 the first week of April and flowed throughout the balance of the year. This was only the second time since 1950. Total flow for Camas Creek 5/1 to 10/31 was 7,232 acre-feet. 20% above the flow for 1967. The flow for 1968 was approx. 32% above that of 1967.			
1969 - 70																				
1970 - 71																	NO USGS DATA AVAILABLE FROM 10/19 TO 04/09			
1971 - 72																				

NO FLOW AT USGS GAGE

FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS

FLOW AT USGS GAGE GREATER THAN 4.0 CFS

CAMAS NATIONAL WILDLIFE REFUGE

TABLE OF HISTORIC NON-IRRIGATION WATER USE
FROM CAMAS CREEK

	SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER					JANUARY FEBRUARY MARCH REMARKS					
1972 - 73																										
1973 - 74																										
1974 - 75																										
1975 - 76																										
1976 - 77																										As per attachment of memo dated 8/17/1989; "Total diversion is usually a reflection of availability , such as in 1977 and 1987 when we took the entire flow of Camas Creek and allowed no water to flow past our diversion point."
1977 - 78																										
1978 - 79																										39 cfsFor one day (March 31), 38.75 cfs was recorded.
1979 - 80																										2.25 - 34.5 cfs34.5 cfs was recorded on 2/19 and 2.25 cfs was recorded on 2/20.
1980 - 81																										2.0 - 23.2 cfs.52 - 1.59 cfsFlows recorded from 2/19 thru 3/7.
1981 - 82																										2.1 - 10.5 cfs 0.4 To 1.1.78 - 45.5 cfs 2/18 - 2/282.06 to 6.2 cfsJanuary 18 - February 21 and February 27 - March 2 the diversions are estimated.
																										NO USGS DATA 14.4 NO USGS DATA 050 - 9.0 cfs

NO FLOW AT USGS GAGE

FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS

FLOW AT USGS GAGE GREATER THAN 4.0 CFS

CAMAS NATIONAL WILDLIFE REFUGE

TABLE OF HISTORIC NON-IRRIGATION WATER USE
FROM CAMAS CREEK

	SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER					JANUARY FEBRUARY MARCH REMARKS										
1982 - 83						AVAILABLE 10/01 - 04/30						- 15.5 cfs	AVAILABLE 10/01 - 04/30					1/7 to 1/31 0.35 - 4.3 cfs 2/1 - 2/28 2.06 - 41.6 cfs 3/1 - 3/31													
1983 - 84	8.0 - 63.8 cfs 9/1 - 9/30					15.0 - 108 cfs 10/1 - 10/31					1.00 - 73.2 cfs 11/1 - 11/27							2.0 - 4.0 cfs	01/01 Thru 03/30 all water was flowing under ice. Could not determine amounts diverted. Flow was minimal, however 18 cfs January 1, thru March 30, all water was flowing under ice. Could not determine amounts diverted. Flows however, were minimal. March 31, 18.3 cfs was recorded.												
1984 - 85	5.4 - 32.8 cfs 9/1 - 9/30					4.35 - 23.2 cfs 10/1 - 11/1																									
1985 - 86																													1.5 - 33.6 cfs 3/19-31 Flow started on March 6.		
1986 - 87						NO USGS DATA AVAILABLE FOR THIS PERIOD As per attachment of memo dated 8/17/1989; "Total diversion is usually a reflection of availability , such as in 1977 and 1987 when we took the entire flow of Camas Creek and allowed no water to flow past our diversion point."																									
1987 - 88	NO USGS DATA AVAILABLE FOR THIS PERIOD 1.12 - 1.65 cfs																														
1988 - 89	NO USGS DATA AVAILABLE FOR THIS PERIOD																														
1989 - 90	NO USGS DATA																NO USGS DATA AVAILABLE FOR THIS PERIOD														
1990 - 91																															
1991 - 92																															

NO FLOW AT USGS GAGE	FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS	FLOW AT USGS GAGE GREATER THAN 4.0 CFS
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SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE
QUANTITY: 19.30 CFS
PRIORITY DATE: 03/30/1941
POINT OF DIVERSION: T07N R36E S01 NESWSE Within Jefferson County
T08N R36E S32 NESENW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Wildlife 11-01 TO 03-31 19.30 CFS

PLACE OF USE: Wildlife Within Jefferson County

T07N R35E S01	SESW	SWSE
LOT 07 (SESE)		
S12 LOT 01 (NENE)	SWNE	NWNE
	NEW	SEW
	NESE	NWSE
LOT 03 (NESE)	SWSE	SESE
S13 LOT 01 (NENE)	NEW	SEW
	NESE	NWSE
LOT 03 (NESE)	SWSE	SESE
S24 LOT 01 (NENE)	NEW	SEW
	NESE	NWSE
LOT 03 (NESE)	SWSE	SESE
S25 LOT 01 (NENE)	NEW	SEW
LOT 03 (NESE)	NESE	NWSE
R36E S05 LOT 04 (NWNW)	SESW	SWNW
	SESW	
S06 LOT 01 (NENE)	SWNE	NWNE
	NEW	SEW
LOT 07 (SWSW)	NESE	NWSE
	SWSE	SESE
S07	NENE	NWNE
	SWNE	SENE
	NEW	SEW
LOT 02 (SWNW)	NESE	NWSE
LOT 04 (SWSW)	SWSE	SESE
	NESE	NWSE
	SWSE	SESE
S08	NENE	NWNE

	NWSE	SESE
S09	NWNW	SWNW
	NWSW	SWSW
	SESW	
S16	NWNW	SWNW
	NESW	NWSW
	SWSW	SESW
	NWSE	SWSE
S17	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S18	NENE	NWNE
	SWNE	SENE
	NENW	LOT 01 (NWNW)
LOT 02 (SWNW)		SENW
	NESW	LOT 03 (NWSW)
LOT 04 (SWSW)		SESW
	NESE	NWSE
	SWSE	SESE
S19	NENE	NWNE
	SWNE	SENE
	NENW	LOT 01 (NWNW)
LOT 02 (SWNW)		SENW
	NESW	LOT 03 (NWSW)
LOT 04 (SWSW)		SESW
	NESE	NWSE
	SWSE	SESE
S20	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NWSE	
S21	NENW	NWNW
	SWNW	SENW
S29	NENW	NWNW
	SWNW	SENW
	NWSW	
S30	NENE	NWNE
	SWNE	SENE
	NENW	LOT 01 (NWNW)
LOT 02 (SWNW)		SENW
	NESW	LOT 03 (NWSW)
LOT 04 (SWSW)		SESW
	NESE	NWSE
	SWSE	SESE
TOBN R16E S12	NESW	NWSW
	SWSW	SESW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

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 Byrdick
Presiding Judge of the
Snake River Basin Adjudication

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 31-11668

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-11668 was mailed
on July 31, 2002, with sufficient first-class postage prepaid
to the following:

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

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

UNITED STATES OF AMERICA ACTIN
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181
Phone: 503-231-6145

CERTIFICATE OF MAILING

ROBBIN GLATZ
Chief Deputy Clerk

PAGE 1
07/31/02

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 31-11668
)

On May 2, 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 31-11668 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

ORDER OF PARTIAL DECREE

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 39.3 CFS

PRIORITY DATE: 03/30/1941

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE	11-01 03-31	39.30 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

A31-11668



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 ← Two
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

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 - Beneficial Use

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6251**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: March 18, 1941
3. Source: Camas Creek Trib. to: Mud Lake
4. Point of Diversion:

Township 8N Range 36E Section 32, SE 1/4 of NW 1/4, B.M., (Main)
County of Jefferson

Additional Points of Diversion: T.7N., R.35E., Section 1, NW¼ OF SE¼ (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 | Nov. 1 | Mar. 31 | 58.1 | |
7. Total Quantity Claimed is:
58.1 C.F.S. (and/or) _____ A.F.A.
8. Total consumptive use claimed is _____ Acre Feet Per Annum.

United States of America
Fish and Wildlife Service

13. Other water Rights Used: IDWR Water Right Numbers 31-0251, 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: Water under water right No(s). 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, and 31-0284 are diverted at the same location as water under this claim.

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 X Posted Notice _____
License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____

Although federal compliance with 28 U.S.C. § 1746 satisfies the verification requirements of Idaho Code § 42-1409 (5), as a matter of comity I also solemnly swear or affirm under oath that I am the Regional Director, or her designee, and that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - Fish and Wildlife Service are true and correct.

By making this verification, neither I, the United States of America, nor any of its agencies or personnel, waive any immunities, rights, privileges, or presumptions, whether based on federal, state, or other statutory and/or common law, except as clearly and unambiguously required by Congress.



Regional Engineer
as designee for the
Regional Director
U.S. Fish and Wildlife Service
Eastside Federal Complex
911 N.E. 11th Avenue
Portland, Oregon 97232-4181

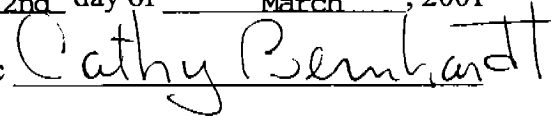
Executed on: 3/2/01

State of Oregon Multnomah
County of _____

Subscribed and sworn (or affirmed) before me this 2nd day of March, 2001

(seal)

Notary Public

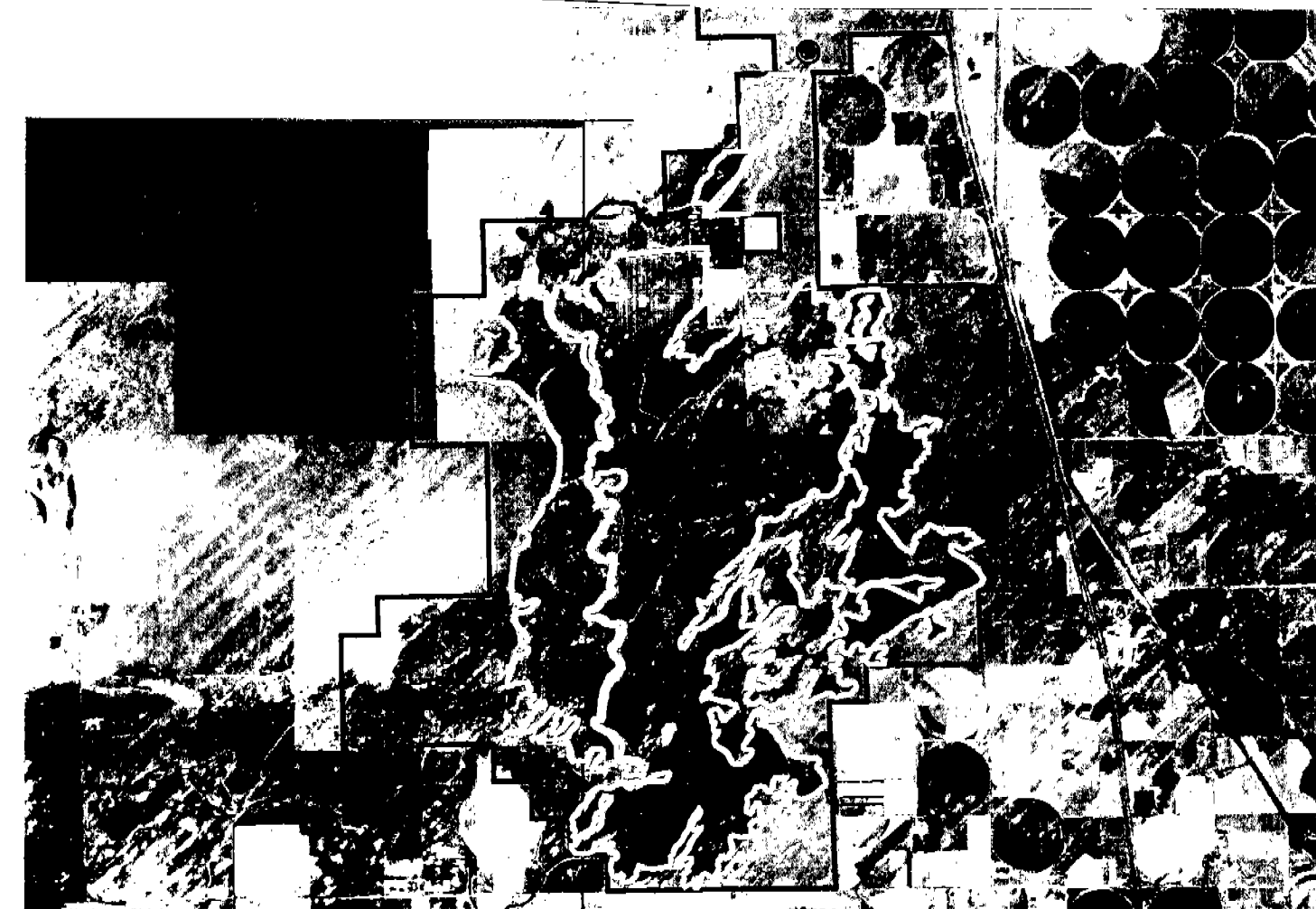


Residing at 911 NE 11th Avenue

Portland, OR 97232-4181

My Commission expires October 18, 2004





1 0 1 2 3 4 5 Miles



Point of Diversion (s)



Camas National Wildlife Refuge Boundary

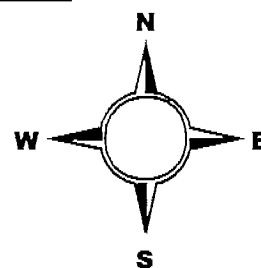
Place of Use - Purpose of Use Wildlife



Quarter Section Lines



Section Lines



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

FWS objection indicates **R36E** should be **R35E**.

This is correct. However, FWS didn't mention it in the Objection, but I also listed the QQ legal incorrectly. The correct legal description for this POD should be:

T7N, R35E, S.1, NESWSE

not

T7N, R36E, S.1, NENWSE

If you want me to make the changes and the SF5, just let me know. I am putting a copy of this E-mail in the file for future reference.

Thanks,

Craig

In Re SRBA	)	Subcase <u>31-11668</u>
	)	(Insert water right number)
Case 39576	)	
	)	STANDARD FORM 1
	)	
_____	)	OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase in the cost of litigation.

Phone: _____ Work: 503-231-2098 Home: _____

Briefly describe your interest in this water right:

Claimant

2. If this objection is filed by an attorney:

Attorney Name: James DuBois

Attorney Address: US Department of Justice ENRD

999 18th Street, Suite 945, Denver, CO 80202

Attorney Phone No.: 303-312-7341

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
- ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☒ Point(s) of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
- ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each 40-acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
- ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ Description of Reservation: I object to the legal description of the reservation.

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

#5 Point of Diversion - Point of Diversion listed as in T07N, R36E
should read T07N, R35E

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Change Point of Diversion that currently reads T07N, R36E to read
T07N, R35E

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

Notice of Claim to a Water Right - 5 pages (including map)

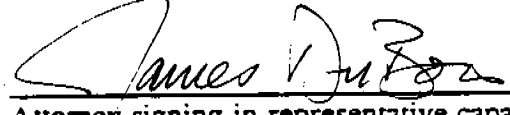
Copy of Director's Report dated 05/04/2001 referencing Water

Right #31-11668

MICHAEL CBERLE, duly sworn, upon oath, deposes and says.
(Name of person filing objection)

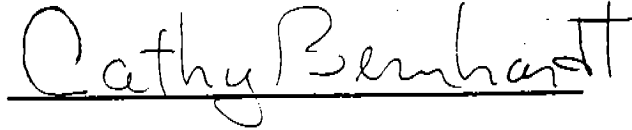
That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

, As designee of Regional Director,
Signature of person filing objection


Attorney signing in representative capacity

Subscribed and sworn to before me on: August 30, 2001




Notary Public for the County of Multnomah
Residing at: Portland, Oregon
My Commission expires: October 18, 2004

objection, including an attachment, to the following persons, by
copies, postage prepaid and addressed as follows:

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: _____
Address: _____

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

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 39.300 CFS

PRIORITY DATE: 03/30/1941

POINT OF
DIVERSION: T07N R36E S1 NENWSE 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	11/01 03/31	39.300 CFS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6251**
(Fish and Wildlife Service)
 Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: March 18, 1941
3. Source: Camas Creek Trib. to: Mud Lake
4. Point of Diversion:
 Township 8N Range 36E Section 32, SE 1/4 of NW 1/4, B.M., (Main)
 County of Jefferson
 Additional Points of Diversion: T.7N., R.35E., Section 1, NW¼ OF SE¼ (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	Nov. 1	Mar. 31	58.1	
7. Total Quantity Claimed is:
58.1 C.F.S. (and/or) _____ A.F.A.
8. Total consumptive use claimed is _____ Acre Feet Per Annum.

United States of America
Fish and Wildlife Service

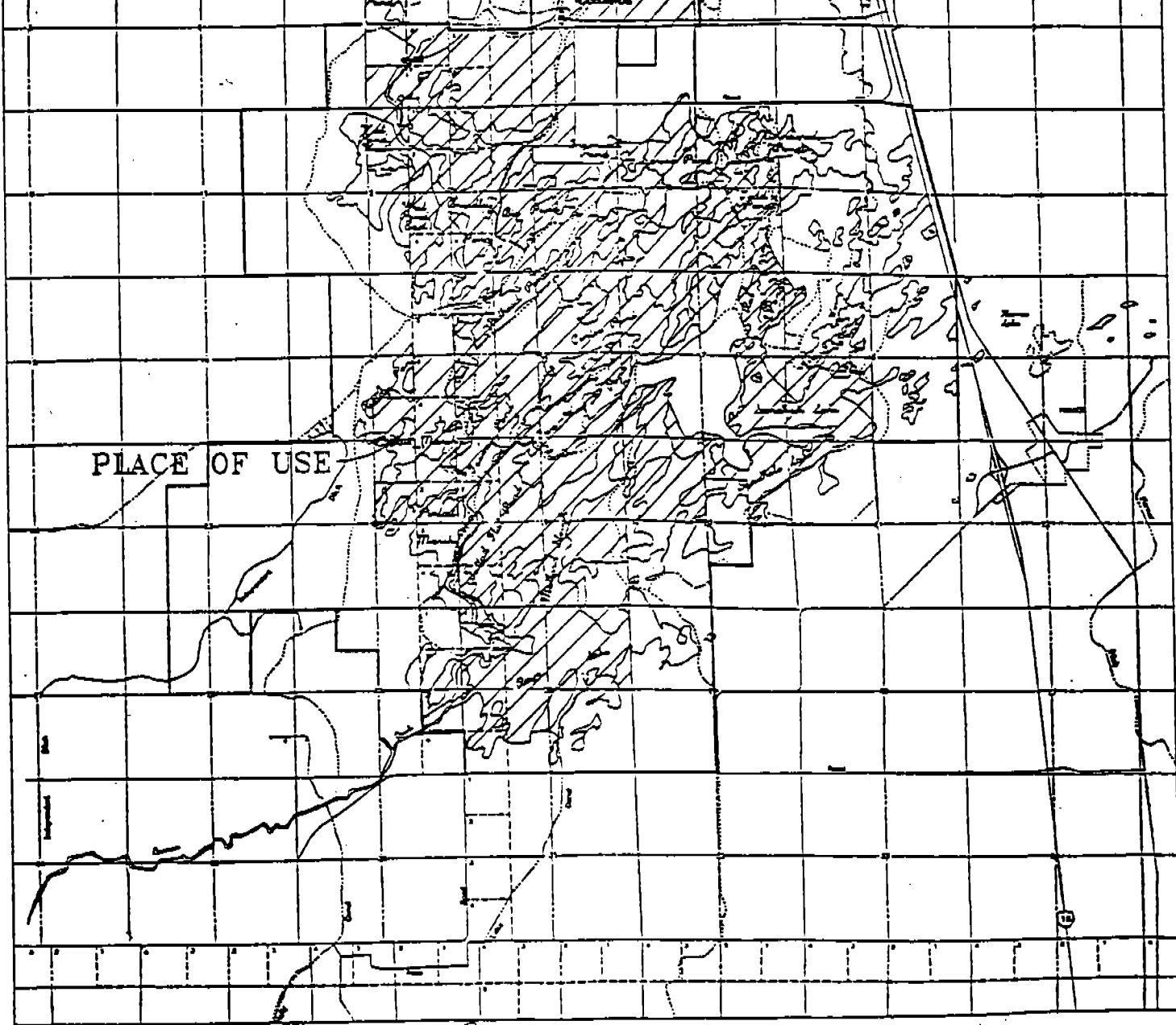
31-0271, 31-0272, 31-0273, 31-0274, 31-0275, 31-0276, 31-0277, 31-0278, 31-0279, 31-0280, 31-0281, 31-0282, 31-0283, 31-0284, 31-2251, 31-2322, 31-2350, 31-2362, 31-2363, 31-4016, 31-4066, 31-7301.

14. Remarks: Water under water right No(s). 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, and 31-0284 are diverted at the same location as water under this claim.

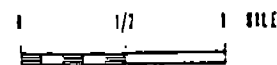
Use of water for Refuge purposes includes irrigation of meadows and marshes, and incidental use by cattle to promote wildlife refuge purposes.

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 X Posted Notice _____
License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____



1
7
N



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 $\frac{1}{4}$.

requirements of Idaho Code § 42-1409 (5), as a matter of comity I also solemnly swear or affirm under oath that I am the Regional Director, or her designee, and that to the best of my knowledge and belief the statements made in this document and in the claim filed herewith on behalf of the United States, acting through the United States Department of the Interior - Fish and Wildlife Service are true and correct.

By making this verification, neither I, the United States of America, nor any of its agencies or personnel, waive any immunities, rights, privileges, or presumptions, whether based on federal, state, or other statutory and/or common law, except as clearly and unambiguously required by Congress.

Regional Director
U.S. Fish and Wildlife Service
Eastside Federal Complex
911 N.E. 11th Avenue
Portland, Oregon 97232-4181

Executed on: _____

State of Oregon
County of _____

Subscribed and sworn (or affirmed) before me this ____ day of _____, 2001

(seal)

Notary Public _____

Residing at _____

My Commission expires _____

Evidence provided March 8, 2001 shows diversion of Camas creek water in March (outside the irrigation SOU). Evidence indicates a priority date of **March 30, 1941** for **39.25 CFS**.

Evidence provided March 28, 2001 indicates use of water from November 1 to December 10, 1945. Records do not indicate weather use after December 10 was ceased due to icing or lack of flow in Camas creek. However, statements in a letter on the subject of the 1944 water management plan provided as evidence, it states:

“As we see it the objective of water management on the Camas Refuge is to get as much of the refuge into water and marsh as is possible and to hold water levels up just as long as is possible. **To accomplish this it is necessary to: divert all available water whenever available; ...**”

This statement makes it reasonable to assume that lack of diverting water was due to the unavailability of water, and would have otherwise been diverted.

Due to the evidence of use outside the irrigation season of use being within 5 years of the priority date, we can consider that as a development period of the water right and use that as SOU historical evidence.

POD is the same used for other FWS Camas Creek rights

Place of use is the same as other FWS Camas Creek rights

Fax Transmittal Cover Sheet

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the United States Postal Service.

Number of Pages: 6
(Including Cover Sheet)

Date: 3-28-2001
Time: 08:15
Fax Number: (208) 525-7177

TO: Craig Saxton

FROM: DAVE LANGMAN

SUBJECT: WATER-USE RECORDS

COMMENTS:

If any of the pages are not transmitted correctly, please call the Division of Engineering, Water Resources Branch at: (503) 231-6251.

Mr. Elvin W. Henninger
Watermaster, District 66
Dubois, Idaho

Dear Mr. Henninger:

Herewith record of Water Use on the Camas Refuge from
November 1, 1943 to date.

November-December use as shown is, if anything a little
high which is preferred to having it low. Ice prevented any
readings.

Diversions at Gate #1 is estimated for periods of high
water during the spring and summer when the stilling wells were
under water. This estimate is based on ditch levels compared to
levels when readings were obtainable.

Sorry these data did not reach you sooner.

Very truly yours,

Howard J. Sargeant
Refuge Manager

afternoons - hence estimate of 2 c.s.f. average for day.

December 11, 1943 - April 2, 1944 No diversion

April, 1944	#1 Takeout	#1A Takeout	#32 (Toomey) Takeout
3	5 csf		
4	15 csf		
5	20 csf		
6	20 csf		
7	30 csf		
8	52 csf		6 csf
9	50 csf		8 csf
10	50 csf		8 csf
11	50 csf		8 csf
12	50 csf till 12		
	Noon Gate closed.		
12		10 csf from 12 Noon.	12 csf
13		10 csf	15 csf
14	30 csf after 12 Noon.	10 csf	18 csf
15	30 csf	10 csf	18 csf
16	30 csf till 5PM		18 csf till 5 PM.
	45 csf from 5PM	10 csf	Gate closed @ 5PM.
17	45 csf	10 csf	
18	45 csf	10 csf	
19	48 csf	10 csf	
20	45 csf	12 csf	
21	45 csf	12 csf	
22	45 csf	12 csf	
23	45 csf	12 csf	
24	45 csf	12 csf till 12 Noon.	
		Gate close @ 12.	
25	58 csf till 12 noon, gate closed @ 12		
	Gate opened @ 9PM.		
	30 csf from 9 PM.		
26	32 csf		
27	40 csf		
28	45 csf till 7 PM.		
	30 csf from 7 PM.		
29	35 csf		
30	38 csf		

Regional Director
Fish and Wildlife Service
600 Weatherly Building
Portland, 14, Oregon

Dear Sir:

Transmitted herewith, in the original and two copies, is a Water Management Plan for the Camas Refuge. The original and one copy have maps attached, the second copy does not. A complete plan is being furnished Mr. McBride.

It is not intended that this plan be limited in application to the 1944 season but rather that it shall serve as the basic water management plan for the Camas Refuge. As we see it the objective of water management on the Camas Refuge is to get as much of the refuge into water and marsh as is possible and to hold water levels up just as long as is possible. To accomplish this it is necessary to: divert all available water whenever available; fill all areas to the maximum possible level, as early as possible but fill them in any event, and maintain those levels by additional diversion as long as possible.

We have followed these procedures for several years past and biological conditions have, in our opinion, shown continued improvement. We have not yet reached a state of development where the advantages of additional impoundments and higher levels are outweighed by the disadvantages. We have approached this state in some units and some pools but on the whole the benefits which accrue from a policy of filling all areas as full as possible whenever possible outweigh the several minor disadvantages which result therefrom. If we chose to look at the trees and not the forest we might become unduly concerned because, in years of late run-off, filling pools to maximum levels interferes with early nesting. Improved conditions for late nesting and the greater area of water carried over throughout the year for the use of the ducks hatched and for fall migration use and increased food production possible under somewhat more stabilized water levels by far outweigh losses of early nests. We are endeavoring to accomplish the greatest good in the long run and therefore must accept some undesirable consequences so long as they are in the minority.

We have also touched on future development because the feasibility and desirability of much of the future development can best be determined by observation and consideration of causes and effects incident to the performance of routine water management work.

The maximum levels set up in the plan are substantially those which were attained in both 1942 and 1943 except that repairs and improvements effected in the fall of '42 and the spring and summer of '43 made possible higher levels in some pools in '43. In attaining these levels we deliberately took some risks in the way of operating without adequate free-board on some dikes and roads and we had minor trials and tribulations in the form of washouts and flooded roads but we feel that the results obtained were worth it. Personally, we would continue to operate in this same fashion but if it is considered desirable to operate with a greater margin of safety and to save personnel considerable trouble and work the maximum levels recommended for Pools 1-1, 1-2, 1-3, 1-4, 2-1, 3-1, 5-1 and 5-2 should be reduced 1' throughout.

We did not discuss irrigation use of water in the plan. This is pretty much a matter of judgment by the man on the ground. In normal years the pools are usually full and the run-off is continuing in sufficient volume to supply irrigation needs and still maintain the pool levels at the time irrigation is required or desirable. Since all of the water available under these conditions cannot be used to full advantage in the refuge pools without considerable "wasting" at the lower end of the units irrigation use should be permitted. This does not apply in full measure in years of short run-off.

Very truly yours,

Howard J. Sargeant
Refuge Manager

cc: R.O.
McBride

Mr. J. Hemminger
Pocatello, District 86
Pocatello, Idaho

Dear Mr. Hemminger:

Here are listed diversions of water from Jones Creek
since the creek started flowing this fall.

October	24	3	c.c.f.	2 1/2	Cr. started during night
	25	5	"	"	
	26	5	"	"	
	27	5	"	"	
	28	10	"	"	
	29	12	"	"	
	30	15	"	"	
	31	15	"	"	

Diversions subsequent to October 31 will be reported
at a later date.

Very truly yours,

Richard J. Bergant
Refuge Manager

cc: Hedrick
R.C. (2)

you submitted requested the source be changed to "Springs and Seeps".

After a discussion with Ernie Carlsen we thought the best way to describe the source is "Unnamed Slough" which is the wording used in the original decree. I will also add a remark on the recommendation stating, "Source locally known as Schlagel Slough".

2) Beneficial use claim 31-11668 for Camas Creek water use outside of the irrigation season of use. In order to make a recommendation I still need copies of the actual documents used to fill in the block on the computer generated chart you provided for years 1943-1944.

As always, feel free to contact me if you have any questions. I apologize for the inconvenience, but am encouraged that we are getting all of these details worked out.

Sincerely,

Craig Saxton

Sent

3/22/01

C Saxton

Spoke with Dave Langman and requested actual documents to support season of use evidence in 1943 – 44 indicated on the computer-generated chart he provided. I also told him that with the evidence he provided I was looking at supporting a March 30, 1941 priority date at 39.25 cfs. He felt that I should support the March 18 priority based on the fact that they would have diverted 39.25 cfs had the water been available. However, he didn't comment on the fact that I told him I was only supporting 39.25 cfs instead of the 58.1 cfs claimed.

March 8, 2001

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Gentlemen:

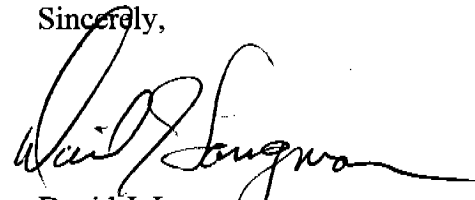
RE: SRBA Claim for Camas NWR, Camas Creek

As you requested during our phone conversation on March 7, 2001, I am enclosing a letter dated June 6, 1941 from the Camas National Wildlife Refuge (Refuge) to the Watermaster, District No. 66, Dubois, Idaho. The letter and attachment were submitted to the Watermaster as a report of water diverted from Camas Creek to the Refuge for the months of March, April, and May 1941.

This enclosed information serves to verify the priority date associated with our Beneficial Use/Constitutional Claim for the Refuge recently sent to your office. This claim is for Camas National Wildlife Refuge use of Camas Creek in the non-irrigation season.

Thank you for your assistance in this matter. Please let me know if you have any questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Langman", written over a horizontal line.

David J. Langman
Hydrologist

Enclosures

Watermaster District No. 66
Dubois, Idaho

Dear Mr. Henninger:

Herewith is a complete report of water diverted from Camas
Creek on the refuge for the months of March, April and May.

Immediately Camas Creek ceases to flow and we stop diverting,
I will mail you a report on water taken for the remainder of the
period, providing you haven't already made a visit to the refuge
and received the information. I am very sorry the data wasn't
available to you on your last visit.

Very truly yours,

Howard J. Sargeant
Refuge Manager

Enclosure

REPORT ON WATER DIVERTED FROM CAMAS CREEK

<u>Date</u>	<u>Cubic Feet/second</u>	<u>Date</u>	<u>Cubic Feet/second</u>
<u>March</u>		<u>April</u>	
18	5.00	21	34.10
19	5.00	22	38.80
20	17.50	23	35.30
21	3.50	24	36.85
22	5.00	25	28.35
23	4.00	26	32.00
24	None	27	46.50
25	2.50	28	47.60
26	10.00	29	47.90
27	15.00	30	43.50
28	8.50		
29	18.00	<u>May</u>	
30	39.25	1	41.00
31	37.60	2	37.65
		3	39.80
<u>April</u>		4	41.00
1	42.25	5	42.00
2	43.65	6	40.90
3	21.40	7	35.95
4	15.00	8	27.45
5	16.65	9	20.40
6	8.50	10	11.00
7	2.00	11	11.00
8	None	12	11.00
9	None	13	11.00
10	2.00	14	11.00
11	6.50	15	11.00
12	8.50	16	38.55
13	12.30	17	44.30
14	None	18	38.80
15	5.50	19	34.20
16	2.00	20	33.00
17	2.00	21	33.00
18	None	22	25.05
19	None	23	20.40
20	36.50	24	18.30

28	45.25
29	47.60
30	46.05
31	44.80

Readings taken twice daily by Frank B. Jacox, Clerk-petrolman
Carnas National Wildlife Refuge
Hammer, Idaho

Spoke with Dave Langman today. I received a Beneficial use claim for Camas Creek water for the period outside of the irrigation season of use. However, no evidence was provided with the claim. Dave said that he would E-mail me a copy of the evidence that should have been provided with the claim.

The following information is what Dave told me over the phone about the claim:

Priority date was based on Historical evidence to be provided in E-mail.

Gerry found Evidence

Attachment 1 defining POU for the claim is the same as listed on the other Decreed Rights.

For Notice of Error Questions contact Dave Langman 1st. Contact Gerry if Dave isn't available. Another person that worked on the NOE is Tim Mayer.

Note: I received the evidence of use via E-mail. I don't think that a computer generated table will be accepted by the court as historical evidence. I contacted Candice and Carter for confirmation on this matter, however, I feel I will need to request copies of the original documents that were used to create the table.

Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Gentlemen:

RE: SRBA Claim for Camas National Wildlife Refuge, Camas Creek

Enclosed is a Beneficial Use/Constitutional Claim for the Camas National Wildlife Refuge to be filed in the SRBA. I understand that such claims, prior to issuance of the Director's Report, are to be filed with your Department. The claim is for Camas National Wildlife Refuge use of Camas Creek in the non-irrigation season. Originally, the Refuge had claimed such use as part of its previously decreed rights; however, based on discussions with your office, we understand that we should file a separate claim for such use.

Thank you for your assistance in this matter. Please let me know if you have any questions or wish to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Rauch', written in a cursive style.

Paul Rauch
Chief, Division of Engineering

Enclosures

cc: (w/enclosures)

Gerry Deutscher, Camas National Wildlife Refuge
James DuBois, U.S. Department of Justice
Barbara Scott-Brier, Office of the Regional Solicitor

CAMAS NATIONAL WILDLIFE REFUGE

TABLE OF HISTORIC NON-IRRIGATION WATER USE
FROM CAMAS CREEK

	SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER					JANUARY FEBRUARY MARCH REMARKS					
1940 - 41																										0.0 - 39.2 cfs 3/18-3/31
1941 - 42																										
1942 - 43																										0 - 15 cfs
1943 - 44										3 - 15 cfs 10/24- 10/31		7 cfs 11/1- 11/15		5 cfs 11/16- 11/30		2 cfs 12/1- 12/10										November 6, thru November 17 400 units were diverted from Camas Creek. The maximum levels set up in the 1944 Plan are those which were attained in both 1942 and 1943. December 11, 1943 to April 2, 1944, no diversion. Fall runoff: Camas Creek reached the upper Diversion on Nov. 5. Diversion started on the 6 th at 30 cfs and tapered off to nothing on Nov. 17. During this period, 131 units were diverted as compared to approx. 400 units in 1943 over a period from Oct. 22 to Dec. 10.
1944 - 45												0 - 30 cfs														ICE - FILLED CHANNEL 10 - 35 cfs 3/14-3/31 Camas Creek runoff and diversion into the refuge started on March 14, and continued fairly heavy until July 5. Camas Creek flowed as far as Rays Lake intermittently all winter. Water cannot be taken at diversion No. 1 because of the ice filled channel. Channel will not be free until probably late February or March.
1945 - 46																										ICE - FILLED CHANNEL 10 - 30 cfs The length of time that the channel was ice-filled was estimated based on annual temperature records.
1946 - 47										3 cfs total 99.2 cfs				As high as 12 cfs very erratic				ICE - FILLED CHANNEL								Estimated total October flow was 50 24-hr sec. ft. or 100 acre-feet. In November the flow varied from 3 to 10 cfs. A fair estimate for the total November flow is 250 cfs. Gate closed December 2, due to ice build-up. The length of time that the channel was ice-filled was estimated based on annual temperature records.
1947 - 48																										8.0 - 36.3 cfs 3/12 - 3/31 March 12 was the first diversion for the 1947 season. Takeouts icebound prior to that.
1948 - 49																										Had a very good Spring runoff. Water started one month, four days later than in 1947. By the 25 th of April, the Creek was at flood stage and we were taking 27 cfs into the ponds. Water remained high until May 18 th when it was one foot below the reading of April 25 th . Then building up slowly to the season's high on June 26 th . All flow stopped on July 12 th , one day later than in 1947. Very little Fall runoff.
1949 - 50																										Had a heavy though short runoff and filled the ponds in 15 days. No fall or early winter flow in the Creek that reached our head gate.
1950 - 51																										Note: The 1950 Plan states that they "Take the water as fast as possible to fill the ponds as early as possible and keep them full as long as possible." During the period November 7 - 16, we were able to get a little water out of the creek, probably not to exceed 2 cfs. In all it would

NO FLOW AT USGS GAGE

FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS

FLOW AT USGS GAGE GREATER THAN 4.0 CFS

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												exceed d 2 cfs											not amount to over 20 units.					
1951 - 52																												
1952 - 53	113 ac-ft					1.3 - 5.2 cfs 10/1 - 10/31					1. 1 T o 2. 9												The year saw more water in Camas Creek than seen in the memory of man. Much damage from the mountain to lower end of the Refuge.					
1953 - 54																												
1954 - 55																												
1955 - 56																							As of December 24, 1955, Camas Creek was at flood level. The flood was short duration but filled the Big Pond and improved conditions at Rays Lake.					
1956 - 57																							The spring run-off from Camas Creek filled all ponds and lakes to their maximum levels. Camas Creek flows ended in late June. 2417 cfs was taken from Camas Creek for pond and irrigation use. Many of the ponds and lakes fed from Camas Creek were partially filled by unseasonable high water late in December. Camas Creek reached flood stage this year in mid-March.					
1957 - 58																								Camas Creek resumed flowing in late October and was still carrying a good flow at the end of December.				
1958 - 59																												
1959 - 60																												
1960 - 61																												
1961 - 62																							9 - 87.5 cfs					

NO FLOW AT USGS GAGE	FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS	FLOW AT USGS GAGE GREATER THAN 4.0 CFS
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CAMAS NATIONAL WILDLIFE REFUGE

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																										2/13 - 2/20 19.7 - 113 cfs 3/23 - 3/31 Camas Creek reached the Refuge for the first time on February 13 th and ceased on August 16 th . Approximately 11,047 acre-feet were received. On many occasions the flow was so great into lower portion of the Refuge from flooding that the Refuge was unable to take its full decreed right. Total units taken for the year was 5523.5.	
1962 - 63																											
1963 - 64																											
1964 - 65																											
1965 - 66																											
1966 - 67																											
1967 - 68																											
1968 - 69	20% above flow for 1967					20% above flow for 1967					20% above flow 1967					20% above flow for 1967											Camas Creek flow entered the Refuge the first time during 1968 the first week of April and flowed throughout the balance of the year. This was only the second time since 1950. Total flow for Camas Creek 5/1 to 10/31 was 7,232 acre-feet. 20% above the flow for 1967. The flow for 1968 was approx. 32% above that of 1967.
1969 - 70																											
1970 - 71																										NO USGS DATA AVAILABLE FROM 10/19 TO 04/09	
1971 - 72																											

NO FLOW AT USGS GAGE	FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS	FLOW AT USGS GAGE GREATER THAN 4.0 CFS
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FROM CAMAS CREEK

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1982 - 83						AVAILABLE 10/01 - 04/30						- 15.5 cfs	AVAILABLE 10/01 - 04/30					1/7 to 1/31 0.35 - 4.3 cfs 2/1 - 2/282.06 - 41.6 cfs 3/1 - 3/31												
1983 - 84	8.0 - 63.8 cfs 9/1 - 9/30					15.0 - 108 cfs 10/1 - 10/31					1.00 - 73.2 cfs 11/1 - 11/27							2.0 - 4.0 cfs	01/01 Thru 03/30 all water was flowing under ice. Could not determine amounts diverted. Flow was minimal, however. 18 cfs January 1, thru March 30, all water was flowing under ice. Could not determine amounts diverted. Flows however, were minimal. March 31, 18.3 cfs was recorded.											
1984 - 85	5.4 - 32.8 cfs 9/1 - 9/30					4.35 - 23.2 cfs 10/1 - 11/1																								
1985 - 86																													1.5 - 33.6 cfs 3/19-31Flow started on March 6.	
1986 - 87						NO USGS DATA AVAILABLE FOR THIS PERIOD As per attachment of memo dated 8/17/1989; "Total diversion is usually a reflection of availability , such as in 1977 and 1987 when we took the entire flow of Camas Creek and allowed no water to flow past our diversion point."																								
1987 - 88	NO USGS DATA AVAILABLE FOR THIS PERIOD 1.12 - 1.65 cfs																													
1988 - 89	NO USGS DATA AVAILABLE FOR THIS PERIOD																													
1989 - 90	NO USGS DATA															NO USGS DATA AVAILABLE FOR THIS PERIOD														
1990 - 91																														
1991 - 92																														

NO FLOW AT USGS GAGE	FLOW AT USGS GAGE LESS THAN OR EQUAL TO 4.0 CFS	FLOW AT USGS GAGE GREATER THAN 4.0 CFS
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