

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: A63-07594
Date Received: 3/25/1993
Receipt No: X111111
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 503-231-6145
Address: USDI FISH AND WILDLIFE SER
DIVISION OF ENGINEERING
911 NE 11TH AVE
PORTLAND OR 97232-4181

2. Date of Priority: MAR 31, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	35	NE	NW			CANYON

5. Description of diverting works:
8' CASSED WELL, PUMP, AND PRESSURE TANK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.090		1.50

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) 1.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC; SERVES REFUGE OFFICE AND VISITOR'S CENTER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	35	NE	NW		DOMEST	

MICROFILMED

00107 1996

History of water use filed in A63-30075

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

FEDERAL RESERVED CLAIM FOR ADMINISTRATIVE SITE WELL.

14. Remarks:

THE DEER FLAT NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY
EXECUTIVE ORDER NO. 1032 OF FEBRUARY 25, 1909, AS A PRESERVE AND
BREEDING GROUND FOR NATIVE BIRDS.

THIS CLAIM IS FILED AS ALTERNATIVE TO A FEDERAL RESERVED CLAIM
WITH AN EARLIER PRIORITY DATE.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and
understand the form entitled "How you will receive notice in the Snake River
Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay
a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the
foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED

FEB 26 1996

WATER RESOURCES
WESTERN REGION

Ident. Number: A63-07594
Date Received: 3-25-93
Receipt No.: X11111
Received By: V. Kelly

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6145**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181
2. Date of Priority: March 31, 1972
3. Source: Ground Water (Administrative Site Well) Trib. to: _____
4. Point of Diversion:

Township 3N Range 3W Section 35, NE1/4 of NW1/4, B.M.,
County of Canyon
Additional Points of Diversion _____
5. Description of diverting works: **8" cased well, pump, and pressure tank.**
6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. or A.F.A.
Domestic	Jan.1	Dec.31	0.09 1.5
7. Total Quantity Claimed is:
0.09 C.F.S. (and/or) 1.5 A.F.A.
8. Total consumptive use claimed is de minimus Acre Feet Per Annum.
9. Non-irrigation uses: Domestic; serves Refuge office and Visitor's Center.

United States of America
Fish and Wildlife Service
MICROFILMED
OCT 07 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
3N	3W	35	NE NW		D	

Total Number of Acres Irrigated _____

11. Place of use, County(ies): Canyon

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

13. Other Water Rights Used: Federal reserved claim for Administrative Site well.

14. Remarks: The Deer Flat National Wildlife Refuge was established by Executive Order No. 1032 of February 25, 1909, as a preserve and breeding ground for native birds.

This claim is filed as alternative to a federal reserved claim with an earlier priority date.

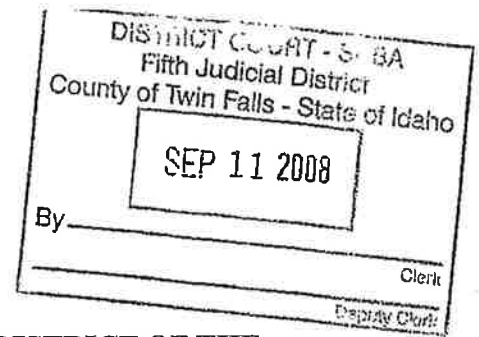
15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____
License X Permit _____ Decree _____

If applicable provide IDWR Water Right Number 63-7594
Court _____ Case Number _____ Decree Date _____

RECEIVED

SEP 12 2008

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

)
) FOR WATER RIGHTS 63-02997
) and 63-07594

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On September 10, 2008, the claimant of the water rights, the United States of America, Department of Interior, Fish and Wildlife Service, entered into a *Stipulation* with the State of Idaho, agreeing that the above-captioned water right claims should be decreed by the SRBA District Court in accordance with recommendations contained in the *Director's Report*. Additionally, the United States and the State of Idaho agreed to the dismissal of federal reserved water right claims 63-29768, 63-29769, 63-29770, and 63-29771. A separate *Special Master's Report and Recommendation of Disallowance* is being issued for those water right claims contemporaneously herewith.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Stipulation*, IT IS RECOMMENDED that water rights 63-02997 and 63-07594 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept. 11, 2008

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-07594

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

SOURCE: GROUND WATER

QUANTITY: 0.09 CFS
1.50 APY

PRIORITY DATE: 03/31/1972

POINT OF DIVERSION: T03N R03W S35 NENW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.09 CFS
			1.50 APY

Domestic use is for refuge office and visitor center.

PLACE OF USE: Domestic Within Canyon County
T03N R03W S26 SESW
S35 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. I.C. SECTION 42-1412(6).

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

SEP 11 2008

David B. Smith
SPECIAL MASTER

Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 11 2008	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

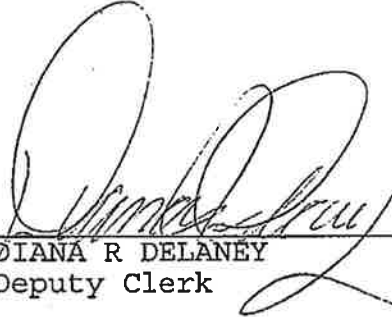
Water Right(s): 63-02997
63-07594

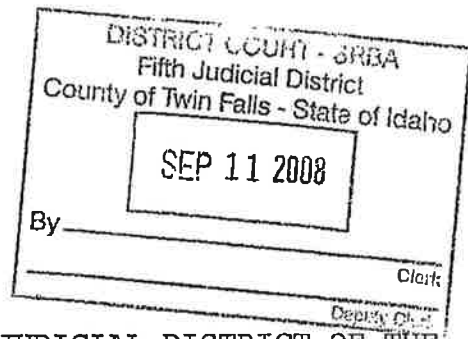
On September 11, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED September 11, 2008.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)

CERTIFICATE OF MAILING

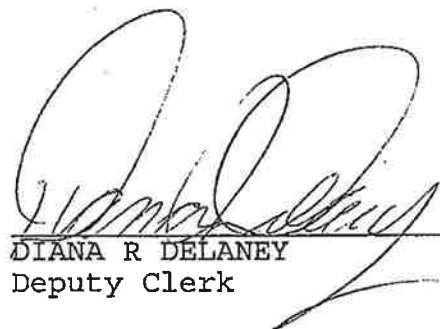
Water Right(s): 63-02997
63-07594

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 11, 2008, 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


DIANA R DELANEY
Deputy Clerk

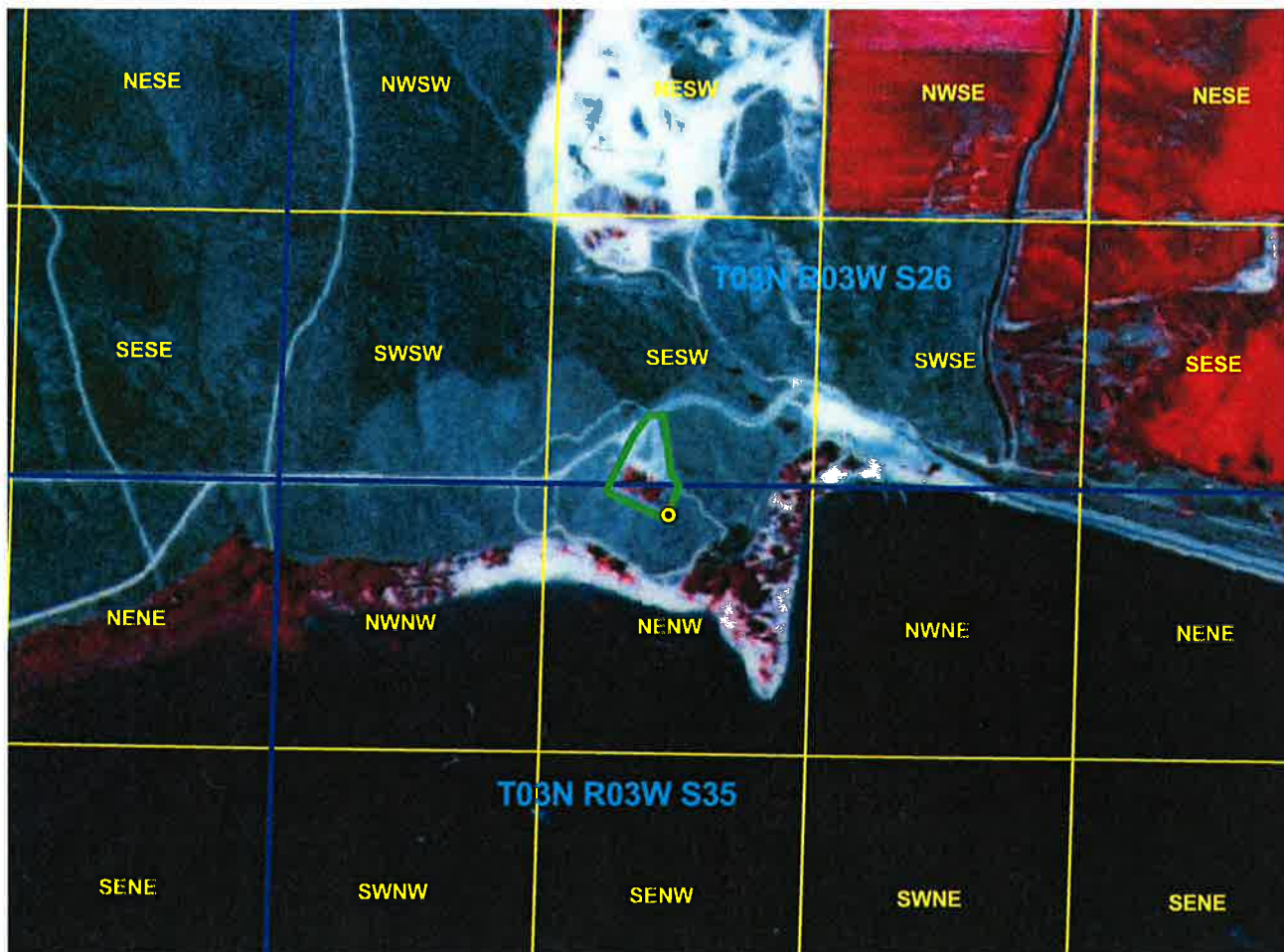
CERTIFICATE OF MAILING

PAGE 1
09/11/08



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 36
WATER RIGHT (S): 63-7594



0.5 0 0.5 1 Miles

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



05/18/2006

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

RIGHT NUMBER: 63-7594

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
1.500 AFY

PRIORITY DATE: 03/31/1972

POINT OF DIVERSION:

T03N R03W S35 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.090 CFS 1.50 AFY

Domestic use is for refuge office and visitor center.

PLACE OF USE: DOMESTIC Within CANYON County

T03N R03W S26	SESW	T03N R03W S35	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 - License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7594 V1

WATER RIGHT NUMBER: 63-7594 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI FISH AND WILDLIFE SERVICE DIVISION OF ENGINEERING 911 N E 11TH AVE PORTLAND, OR 97232-4181 (503)231-6145

Priority Date: 03/31/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.090 CFS	1.50 AF
	<u>Total Diversion:</u>	0.090 CFS	1.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 35, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	26																X	
03N	03W	35					X												

Conditions of Approval:

1. X01 Domestic use is for refuge office and visitor center.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-7594 V1

Remarks:Comments:

1. dnelson 5/18/2006 Clim Review

Comment: This right was claimed as licensed. However, with the improvement of current mapping abilities and aerial photos, I discovered that the place of use was actually in both the NENW S35 and SESW S26. The place of use was corrected in the recommendation. The remainder of the right was recommended as licensed.

2. dnelson 5/18/2006 Claim Remarks

Comment: THE DEER FLAT NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER NO. 1032 OF FEBRUARY 25, 1909, AS A PRESERVE AND BREEDING GROUND FOR NATIVE BIRDS.
THIS CLAIM IS FILED AS ALTERNATIVE TO A FEDERAL RESERVED CLAIM WITH AN EARLIER PRIORITY DATE.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/13/2006	lharris	Active
Contacts	5/18/2006 2:48:33 PM	dnelson			Active
Priority Date	5/18/2006 2:49:06 PM	dnelson			Active
POD	5/18/2006 2:50:11 PM	dnelson			Active
Source	5/18/2006 2:50:27 PM	dnelson			Active
POU	5/18/2006 2:51:18 PM	dnelson			Active
Use	5/18/2006 2:51:54 PM	dnelson			Active
Season	5/18/2006 2:53:46 PM	dnelson			Active
Quantity	5/18/2006 2:55:12 PM	dnelson			Active
Summary			05/18/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7594 V1

Summary	3/13/2006 2:55:20 PM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
POD	5/18/2006 2:50:12 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Contacts	5/18/2006 2:48:33 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This is a licensed right, so no field exam is necessary.
Source	5/18/2006 2:50:28 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	5/18/2006 2:49:48 PM	dnelson	Updated shape
Quantity	5/18/2006 2:55:12 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Rate and volume recommended as licensed.
General	5/18/2006 2:49:05 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7594 V1

Use	5/18/2006 2:51:54 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Season	5/18/2006 2:53:46 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	5/18/2006 2:57:46 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	5/18/2006 2:51:18 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-7594

WATER RIGHT NUMBER: 63-7594

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI FISH AND WILDLIFE SERVICE DIVISION OF ENGINEERING 911 N E 11TH AVE PORTLAND, OR 97232-4181 (503)231-6145

Priority Date: 03/31/1972

Basis: License

Status: Active

Source

GROUND WATER

Beneficial Use

DOMESTIC

From To
1/01 to 12/31

Diversion Rate
0.090 CFS

Annual Volume
1.50 AF

Total Diversion: 0.090 CFS 1.50 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County

NE1/4NW1/4

Sec. 35, Twp 03N, Rge 03W, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	03W	35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X							X					

ADD 3N 3W 36
up

per mapping abilities.

Conditions of Approval:

1. THE DEER FLAT NATIONAL WILDLIFE REFUGE WAS ESTABLISHED BY EXECUTIVE ORDER NO. 1032 OF FEBRUARY 25, 1909, AS A PRESERVE AND BREEDING GROUND FOR NATIVE BIRDS. THIS CLAIM IS FILED AS ALTERNATIVE TO A FEDERAL RESERVED CLAIM WITH AN EARLIER PRIORITY DATE.

} map
TO
comments

Remarks:Water Supply Bank:

X 01 Domestic use is FOR Refuge Office
AND VISITOR CENTER.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7594

WATER RIGHT NUMBER: 63-7594

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF INTERIOR FISH & WILDLIFE SERVICE 911 NE 11TH AVE PORTLAND, OR 97232-4181 (503)231-6251

Priority Date: 03/31/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.090 CFS	1.50 AF
	<u>Total Diversion:</u>	0.090 CFS	1.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 35, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	35					X												

Conditions of Approval:

1. P/U KNOWN AS DEER FLAT NATIONAL WILDLIFE REFUGE.

Remarks:Comments:

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7594 Priority March 31, 1972 Amount 0.09 cfs

THIS IS TO CERTIFY, that U.S. Bureau of Sport Fisheries & Wildlife

of Portland, Oregon, has complied with the terms and conditions of Permit No. 63-7594 issued pursuant to Application for Permit dated March 31, 1972, and has submitted proof to the Department of Water Resources on July 29, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.09 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	<u>0.09</u> cfs and	<u>1.5</u> acre feet
	from _____	cfs and	
	from _____	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.09 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed

1.5 acre feet per year, said waters to be diverted within the NE 1/4 NW 1/4 of Sec. 35,

Twp. 3 N, Rge. 3 W, B. M. in the County of Canyon

Description and location of place of use: (Deer Flat NW 1/4)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3 N	3 W	35				X													

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of October, 19 76.


Director

RECEIVED

Department of Water Resources

Permit No. 63-7594

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-7594, and requests that the permit and permit map be changed as follows:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

RGE 3 W

TWP 3 N

3.5

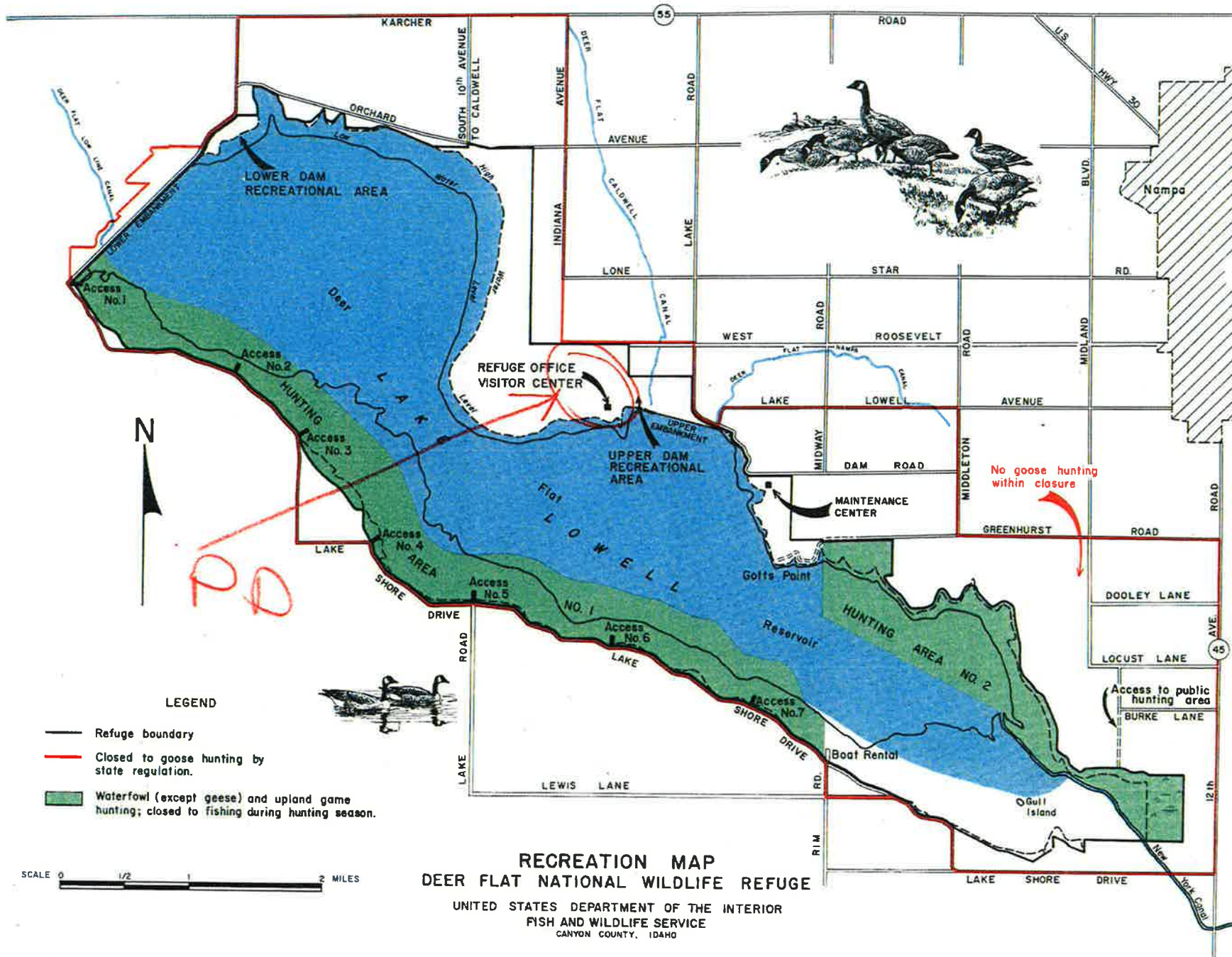
* point of diversion & place of use

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Robert J. Bausch (signature)
Administrative Officer

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the foregoing application for amendment for Permit No. 63-7594.

October 19 76
R. K. [Signature]
Director



DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

U.S. Fish & Wildlife Service

1. Name of permit holder OTS. Fish & Wildlife Service
 Post office address Box 3737, Portland, OR 97208 Phone _____
 Person to contact Donald J. Haukila Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 0.145 c.f.s. for Domestic (11) public restroom
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.145 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 3N N/S, Range 3W E/W, B.M., Section 36, Subdivision NE 1/4 NW 1/4, Canyon _____ County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County _____

Other Points of Diversions: _____

Description of diverting works: well is equipped with 5 hp submersible pump capable of pumping 50 gpm at 120' of head. Well is 8" in dia. 197' deep and has an 8" well screen diameter

Measuring device required: yes ☐ no ☒ *removed by dealer*

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**Permit No. 63-7594
Examination for b/u

GENERAL INFORMATION: Deer Flat National Wildlife Refuge consists of two sectors. The Lake Lowell Sector includes Lake Lowell and the adjacent lands as delineated on the map. The Snake River Sector extends from Canyon/Ada County line downstream to Brownlee Reservoir and includes approximately 85 islands. Each island is conspicuously marked with Refuge signs.

The Refuge provides fishing for over 40,000 anglers each year and has provided a resting and feeding area for a peak population above 700,000 ducks.

BOATING: Boats with motors and sailboats may be used during daylight hours only (one hour before sunrise to one hour after sunset) from April 15 through September 30.

Boats without motors may be used year-round except in Hunting Area.

FISHING: Sport fishing is permitted on the entire refuge year-round with the following exceptions:

1. Fishing is not permitted on the public hunting areas during migratory waterfowl hunting season.
2. Shoreline fishing is prohibited on the islands of the Snake River Sector during the goose-nesting season from February 1 to May 31.

HUNTING:

LAKE LOWELL SECTOR

Hunting of ducks and coots is permitted on Refuge Hunting Areas 1 and 2, in accordance with seasons established under Federal and State regulations, within 200 yards of the water's edge.

Hunting of upland game is permitted on Hunting Areas 1 and 2 in accordance with State seasons and bag limits only during the prescribed migratory waterfowl hunting season. Shooting hours will be the same as those for ducks.

Boats and rafts are not permitted in Hunting Areas 2 and 3 during the waterfowl hunting season.

The hunting of geese is prohibited. See State regulations concerning Canyon County Goose Closure.

SNAKE RIVER SECTOR

The hunting of migratory birds, upland game birds and deer is permitted in accordance with State and Federal regulations.

Approved by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Canyon)

Permit No. 63-7594

U. S. Fish and Wildlife Service of P.O. Box 3737, Portland, OR 97208
(name) (address)

State of Oregon, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 63-7594.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before August 1, 19 73.

That he has heretofore performed the following work described under said permit:

Well has been drilled and cased and provided with pump and motor. Construction of public restroom is in progress and is expected to be completed by November 30, 1975.

Costing \$ 20,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Facilities are presently being constructed but will not be completed prior to present extension of time. August 1, 1975. under this permit.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to August 1, 19 76.

D. H. Reese Acting Regional Director
(signature) *

Subscribed and sworn before me this 15th day of July, 19 75.

seal

Robert F. McVein
(notary public)

My commission expires 7/26/79

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

Operations Division
I, A. KENNETH DUNN, Administrator, ~~Administrator~~ of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 63-7594 to August 1, 1976.

Witness my hand this 22nd day of July, 19 75.

A. Kenneth Dunn
Director

A. KENNETH DUNN, Administrator, Operations Division

IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED
JUL 30 1973
Department of Water Administration

State of Idaho)
County of Canyon)

Permit No. 63-7594

The United States of America, Department of the Interior
Bureau of Sport Fisheries and Wildlife of P. O. Box 3737, Portland, OR 97208
(name) (address)

State of Oregon, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 63-7594.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before August 1, 1973.

That he has heretofore performed the following work described under said permit:
Well has been drilled and cased.

Costing \$ 6,330.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Facilities in which the water will be used have not been completed.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to August 1, 1975.

Acting Regional Director *

Subscribed and sworn before me this 27th day of July, 1973.

seal

My commission expires June 28, 1977

(notary public)

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 63-7594 to August 1, 1975.

Witness my hand this 31 day of July, 1973.

Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

63 7594

Identification No. _____

Application No. 63-7594

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

- The United States of America, Department of Interior
1. Name of applicant Bureau of Sport Fisheries and Wildlife
 post office address P.O. Box 3737, Portland, Oregon 97208
 2. Source of water supply Ground water which is a tributary of _____
 3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 Township 3N
 Range 3 W B.M. Canyon County; additional points of diversion if any: _____

 - b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
 4. Water will be used for the following purposes:
 Amount 0.145 for domestic purpose from 1 Jan. to 31 Dec. (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 5. Total quantity to be appropriated:
 a. 0.145 cubic feet per second ~~and/or~~ 65 GPM
 b. _____ acre feet per annum.
 6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. _____

 - b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
 - c. Proposed well diameter is 6" inches; proposed depth of well is 120 feet.
 7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
 b. Estimated construction cost is \$ 1500.00.
 8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 Township 3 N
 Range 3 W B.M.
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered _____

 (4) Name of municipality to be served _____, or number of families to be supplied with domestic water 11-unit public restroom
 (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

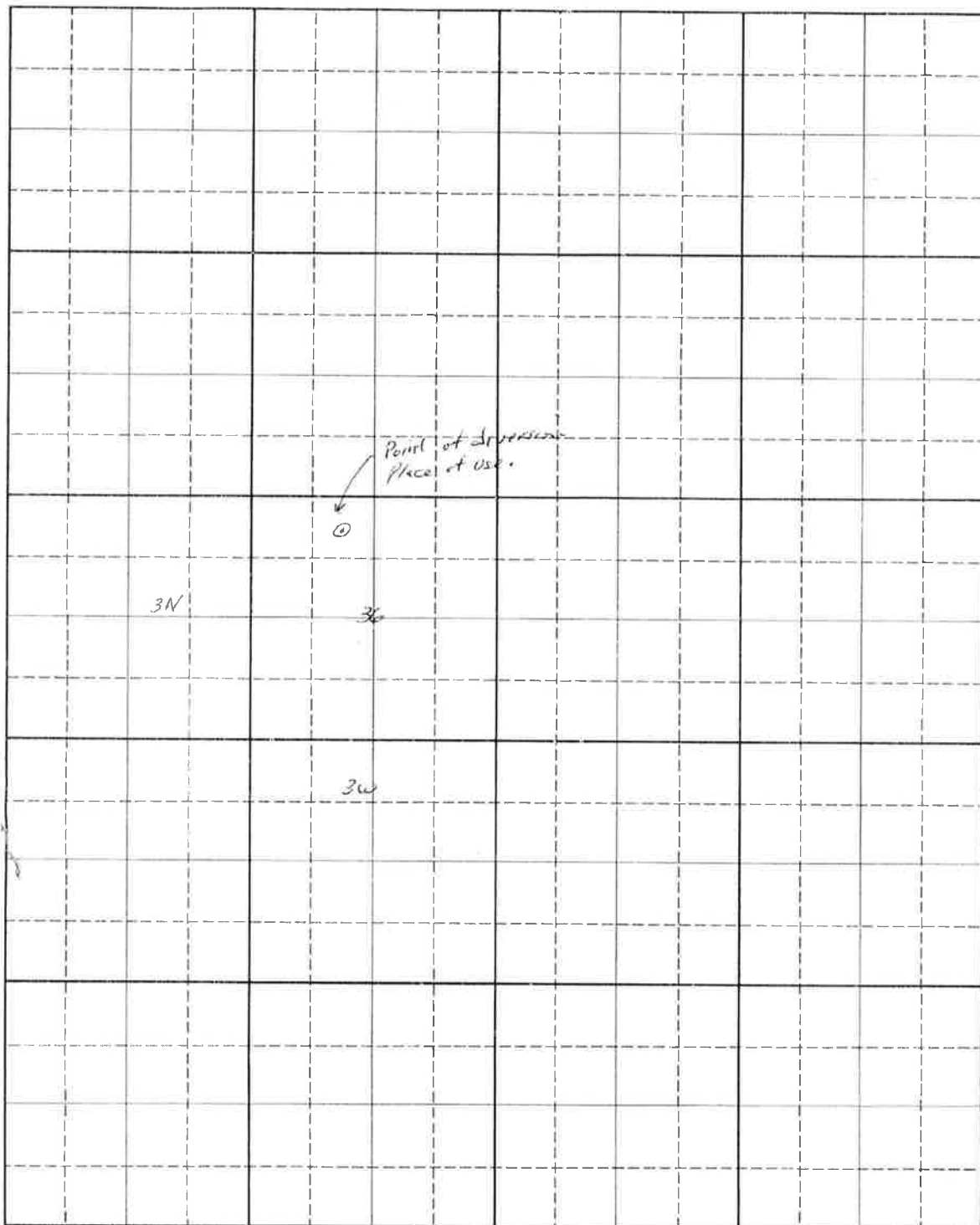
9. a. Who owns the property at the point of diversion Federal lands

b. Who owns the land to be irrigated or place of use Federal lands

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

L. Edward Perry
(Applicant)
L. Edward Perry
Acting Regional Director

63 7594

Received by LF Date 5-31-72 Time 10:20 AM
 Preliminary check by LF Fee \$ 10.00
 Receipted by LF Date 4-24-72
 Publication prepared by C.S. Date 5-5-72
 Published in Idaho County News Press
 Publication dates May 18 & 25, 1972
 Publication approved C.S. Date 5-31-72
 Priority reduced to 3/31/72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by KHPD EDC X

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63 7594, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 73.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 21 day of July, 19 72.

L. Kirk Higin
 Director

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM POU REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 63-7594

03/13/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
29771	Claim	03N	03W	35	NE	NW		IRRIGATION	2/4	US DEPT OF INTERIOR
7594	Claim	03N	03W	35	NE	NW		DOMESTIC		UNITED STATES OF AMERICA ACTING THROUGH
29771	Claim	03N	03W	35	NE	NW		DOMESTIC		US DEPT OF INTERIOR
7594	Water Right	03N	03W	35	NE	NW		DOMESTIC		US DEPT OF INTERIOR