

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: **A63-02997**
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

AND

Name: UNITED STATES OF AMERICA ACTING THROUGH
Address: US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

2. Date of Priority: JUN 18, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	27		NW	NE		CANYON

5. Description of diverting works:
12' CASED WELL AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.120		
WILDLIFE	03/15	11/15	1.120		

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

8. Total consumptive use is 385.0 Acre Feet Per Annum.

9. Non-irrigation uses:
WILDLIFE.

MICROFILMED
OCT 02 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	22	SE	SW		IRR	
			SW	SE		IRR	
		27	SE	NW	2	IRR	
			NW	NE		IRR	
			SW	NE		IRR	
			NE	NW		IRR	

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:
TWO FEDERAL RESERVED CLAIMS.

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.

A PORTION OF THIS WATER RIGHT (NO. 63-2997) IS CLAIMED WITH AN EARLIER PRIORITY DATE AS A PORTION OF THE FEDERAL RESERVED CLAIM FOR FIELDS #5 AND #7, AND WITH A LATER PRIORITY DATE AS A PORTION OF THE FEDERAL RESERVED CLAIM FOR ORCHARD AVE. FIELD. SPECIFICALLY, ALL BUT THE 23 ACRES IN LOT 2 SEC. 27, T.3 N., R. 3 W. ARE COVERED BY THE TWO FEDERAL RESERVED CLAIMS.

THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN WATER RIGHT NO. 63-2997.

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

Ident. Number: 463-02997
Date Received: 3-25-93
Receipt No.: XIIIIII
Received By: V. Kelly

RECEIVED

FEB 26 1996

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

- WATER RESOURCES
WESTERN REGION
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: June 18, 1954
 3. Source: Ground Water (Well #2) Trib. to: _____
 4. Point of Diversion:
Township 3N Range 3W Section 27, NW1/4, of NE1/4, B.M.
County of Canyon
Additional Points of Diversion _____
 5. Description of diverting works: 12" cased well and sprinkler system.
 6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
Irrigation/Wildlife	Mar.15	Nov.15	1.12		
 7. Total Quantity Claimed is:
1.12 C.F.S. (and/or) _____ A.F.A.
 8. Total consumptive use claimed is 385 Acre Feet Per Annum.
 9. Non-irrigation uses: Wildlife.

MICROFILMED
OCT 02 1996

United States of America
Fish and Wildlife Service

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
3N	3W	22	SE		SW		I	2
3N	3W	22	SW		SE		I	33
3N	3W	27	NW		NE		I	26
3N	3W	27	NE		NW		I	14
3N	3W	27				2	I	23
3N	3W	27	SW		NE		I	12

Total Number of Acres Irrigated 110

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: Two federal reserved claims.

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.

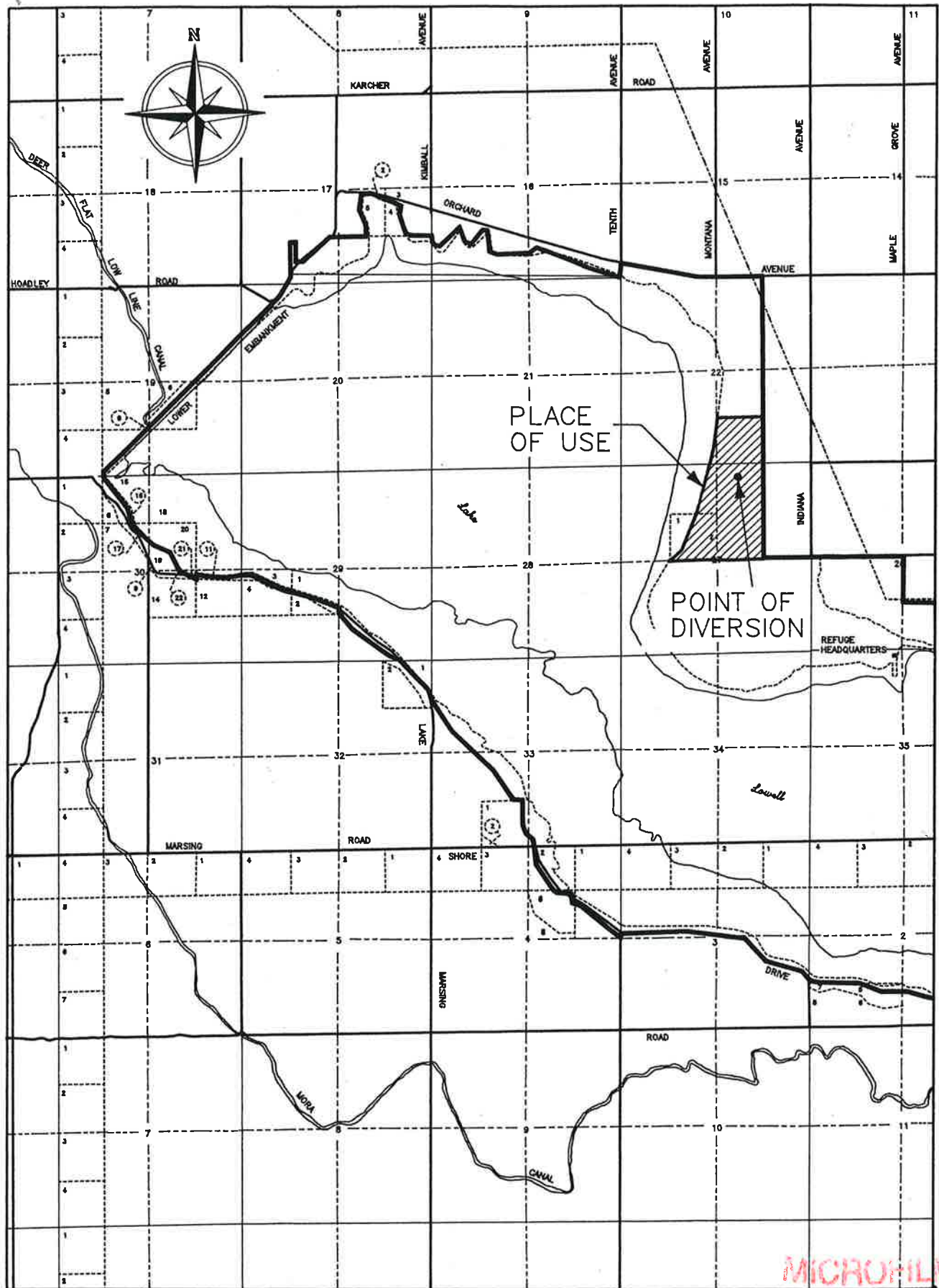
A portion of this water right (No. 63-2997) is claimed with an earlier priority date as a portion of the federal reserved claim for Fields #5 and #7, and with a later priority date as a portion of the federal reserved claim for Orchard Ave. Field. Specifically, all but the 23 acres in Lot 2 Sec. 27, T.3 N., R.3 W. are covered by the two federal reserved claims.

This claim clarifies and updates information given in Water Right No. 63-2997.

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

If applicable provide IDWR Water Right Number 63-2997
Court Case Number Decree Date

R3W



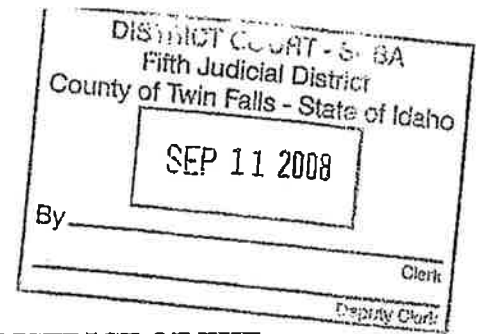
WATER RIGHT NUMBER 63-2997

0 2000 4000 6000 FEET

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-02997

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: 1.12 CFS
495.00 APY

PRIORITY DATE: 06/18/1954

POINT OF DIVERSION: T03N R03W S27 NWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.12 CFS 495.00 APY

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R03W S22	SESW 0.4 NWSE 10.0
	S27	SWSE 35.0 NWNE 26.0 SWNE 14.0
	LOT 2	NENW 8.6 LOT 1 (SENW) 7.0 (SENW) 9.0
	110.0 Acres Total	

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

Lawrence B. Booth
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

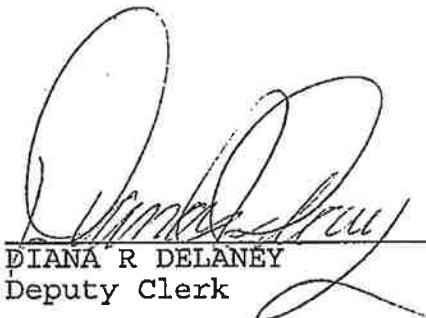
Water Right(s): 63-02997
63-07594

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 (A01), Section 13a.

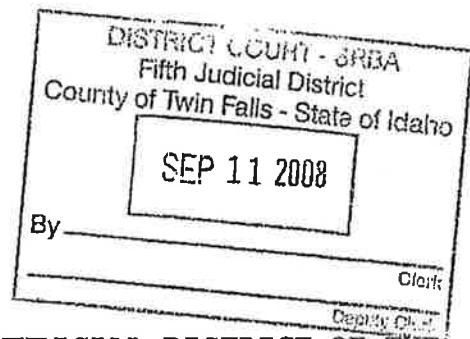
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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

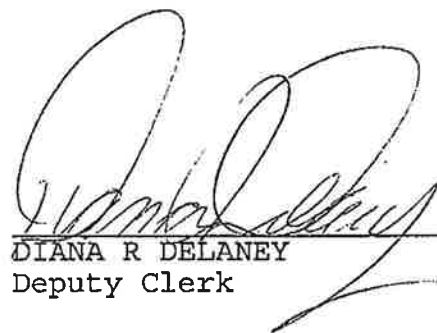
Water Right(s): 63-02997
63-07594

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

05/19/2006

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

RIGHT NUMBER: 63-2997

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: 1.120 CFS
495.000 AFY

PRIORITY DATE: 06/18/1954

POINT OF DIVERSION:

T03N R03W S27 NWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.120 CFS
495.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S22	SESW	0.40	T03N R03W S22	NWSE	10.00
T03N R03W S22	SWSE	35.00	T03N R03W S27	NWNE	26.00
T03N R03W S27	SWNE	14.00	T03N R03W S27	NENW	8.60
T03N R03W S27 Lot 1	SENW	7.00	T03N R03W S27 Lot 2	SENW	9.00

110 ACRES TOTAL

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

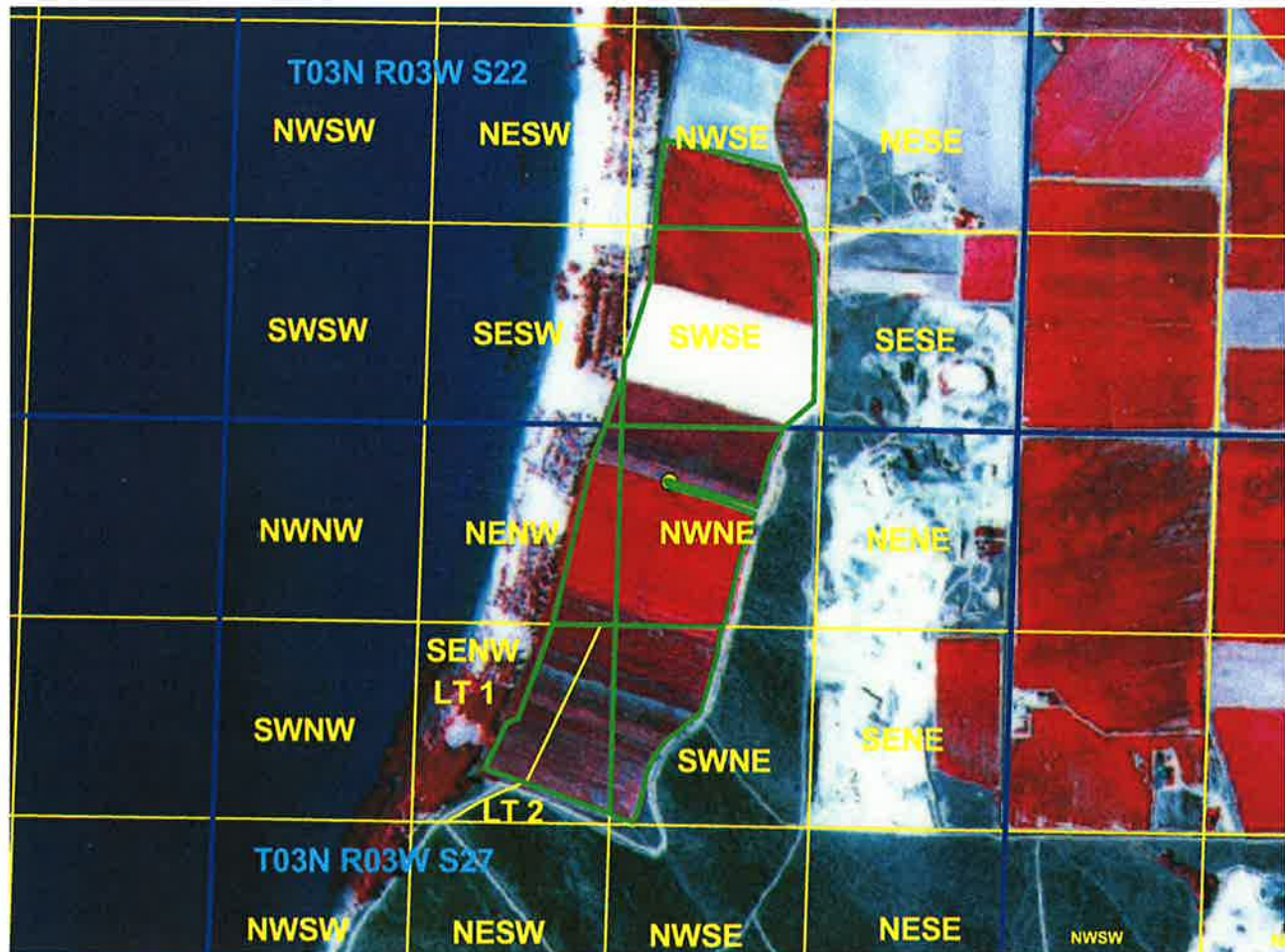
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



**State of Idaho
Idaho Department of Water Resources
Western Region**

**T3N R3W SECTION(S) 22 & 27
WATER RIGHT(S) : 63-2997**



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

Total Irrigated Acres = 110 acre(s)

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



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2997 V1

WATER RIGHT NUMBER: 63-2997 V1

<u>Owner Type</u>	<u>Name and Address</u>
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
Attorney	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663

Priority Date: 06/18/1954

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>
IRRIGATION	03/01 to 11/15	1.120 CFS	495.00 AF
	<u>Total Diversion:</u>	1.120 CFS	495.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 27, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

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 22												.4			10.0	35.0	45.4
03N 03W 27		26.0	14.0		8.6			7.0									55.6

Total Acres: 110

LT 2 DOESN'T
SHOW UP ON PROOF
REPORT. LT. 2 HAS 9 ACRES

← should
be
64.6 acres.

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2997 V1

Comments:

1. dnelson 5/19/2006 Claimant 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.

A PORTION OF THIS WATER RIGHT (NO. 63-2997) IS CLAIMED WITH AN EARLIER PRIORITY DATE AS A PORTION OF THE FEDERAL RESERVED CLAIM FOR FIELDS #5 AND #7, AND WITH A LATER PRIORITY DATE AS A PORTION OF THE FEDERAL RESERVED CLAIM FOR ORCHARD AVE. FIELD.

SPECIFICALLY, ALL BUT THE 23 ACRES IN LOT 2 SEC. 27, T.3 N., R. 3 W. ARE COVERED BY THE TWO FEDERAL RESERVED CLAIMS.

THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN WATER RIGHT NO. 63-2997.

2. dnelson 5/19/2006 Claim Review

Comment:

This claim is based on an irrigation license. The claim matches the license except for the place of use legal description and the addition of a wildlife use. The wildlife use cannot be recommended under this claim, since it was not included in the licensing of the water right. The claimant would need to file another adjudication claim for the wildlife use.

In the place of use legal description, the claimant only marked the 40-acre tracts irrigated with an X, instead of the actual acres irrigated in each tract. This is acceptable, since new mapping techniques allow a better representation of the lands irrigated than the system in place at the time of licensing. I used the 1987 aerial photography to determine the number of acres actually irrigated, and also included a small bit of irrigation in the SESW Section 22. I believe the acres recommended give a good representation of the acres originally irrigated under the licensed use.

There is one discrepancy with the legal description of the place of use that needs to be explained. Our database is based on 40-acre tract descriptions, and not government lot descriptions. The SENE of Section 27 is split into two government lots. The line separating these two government lots goes through the middle of the field irrigated in that tract. Our database can only describe one of these lots, so an explanatory remark was added that states that the SENE has two government lots with irrigated lands in both lots.

The original license did not have marked season of use or volume. The standards for the area of the license were used.

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			03/09/2006	lharris	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2997 V1

Contacts	5/19/2006 7:43:47 AM	dnelson	Active
Priority Date	5/19/2006 7:44:23 AM	dnelson	Active
POD	5/19/2006 7:45:31 AM	dnelson	Active
Source	5/19/2006 7:45:49 AM	dnelson	Active
POU	5/19/2006 7:49:33 AM	dnelson	Active
Use	5/19/2006 7:50:04 AM	dnelson	Active
Season	5/19/2006 7:51:05 AM	dnelson	Active
Quantity	5/19/2006 7:52:29 AM	dnelson	Active
Summary		05/19/2006 dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	5/19/2006 7:50:05 AM	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? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	5/19/2006 8:12:14 AM	dnelson	Updated shape for Active POU
POU	5/19/2006 7:49:33 AM	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?
Season	5/19/2006 7:51:06 AM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2997 V1

POD	5/19/2006 7:45:32 AM	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?
Summary	3/9/2006 8:34:06 AM	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?
Contacts	5/19/2006 7:43:48 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is based on a license, so a field exam is not necessary.
General	5/19/2006 7:44:23 AM	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?
POD	5/19/2006 7:44:58 AM	dnelson	Updated shape
Source	5/19/2006 7:45:49 AM	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?
Quantity	5/19/2006 7:52:30 AM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a diversion rate and/or volume? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Flow rate determined during licensing. Description for Question 10 - 4.5 afa per acre standard X 110 acres = 495 afa total.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2997 V1

Summary	5/19/2006 8:14:22 AM	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?
---------	----------------------	---------	--

Water Supply Bank:

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-2997

FROM: DANIEL A. NELSON

DATE: 5/19/06

SUBJECT: CLAIM REVIEW

This claim is based on an irrigation license. The claim matches the license except for the place of use legal description and the addition of a wildlife use. The wildlife use cannot be recommended under this claim, since it wasn't included in the licensing of the water right. The claimant would need to file another adjudication claim for the wildlife use.

In the place of use legal description, the claimant only marked the 40-acre tracts irrigated with an X, instead of the actual acres irrigated in each tract. This is acceptable, since new mapping techniques allow a better representation of the lands irrigated than the system in place at the time of licensing. I used the 1987 aerial photography to determine the number of acres actually irrigated, and also included a small bit of irrigation in the SESW Section 22. I believe the acres recommended give a good representation of the acres originally irrigated under the licensed use.

There is one discrepancy with the legal description of the place of use that needs to be explained. Our database is based on 40-acre tract descriptions, and not government lot descriptions. The SENE of Section 27 is split into two government lots. The line separating these two government lots goes through the middle of the field irrigated in that tract. Our database can only describe one of these lots, so an explanatory remark was added that states that the SENE has two government lots with irrigated lands in both lots.

The original license did not have marked season of use or volume. The standards for the area of the license were used.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2997

WATER RIGHT NUMBER: 63-2997

<u>Owner Type</u>	<u>Name and Address</u>
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
Attorney	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663

Priority Date: 06/18/1954 *← Per License*

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>
WILDLIFE	3/15	11/15	1.120 CFS	<i>495 = 4.5 x 110 acres</i>
IRRIGATION	3/15	11/15	1.120 CFS	
<u>Total Diversion:</u>			1.120 CFS	<i>4559 Aa.</i>

NOT Licensed this way cannot recommend this.
use standard 3-11-15 *← Per License.*

Location of Point(s) of DiversionGROUND WATER
CANYON County

NW1/4NE1/4

Sec. 27, Twp 03N, Rge 03W, B.M.

*OK.*Place of Use

IRRIGATION

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	22												<i>X</i>		<i>10</i>	<i>X</i>	<i>35</i>	<i>65.4</i>
03N	03W	27	<i>X</i>	<i>X</i>	<i>X</i>		<i>X</i>												<i>64.6</i>

WILDLIFE same as IRRIGATIONConditions of Approval:*Total 110 acres**1-7 acres
2-9 acres**← CORRECTED
PER NEW
mapping
TECHNIQUES.*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2997

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. A PORTION OF THIS WATER RIGHT (NO. 63-2997) IS CLAIMED WITH AN EARLIER PRIORITY DATE AS A PORTION OF THE FEDERAL RESERVED CLAIM FOR FIELDS #5 AND #7, AND WITH A LATER PRIORITY DATE AS A PORTION OF THE FEDERAL RESERVED CLAIM FOR ORCHARD AVE. FIELD.
SPECIFICALLY, ALL BUT THE 23 ACRES IN LOT 2 SEC. 27, T.3 N., R. 3 W. ARE COVERED BY THE TWO FEDERAL RESERVED CLAIMS.
THIS CLAIM CLARIFIES AND UPDATES INFORMATION GIVEN IN WATER RIGHT NO. 63-2997.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2997

WATER RIGHT NUMBER: 63-2997

<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: 06/18/1954

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>
IRRIGATION	/ to /	1.120 CFS	
	<u>Total Diversion:</u>	1.120 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 27, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

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	22														10.0	33.0		43.0
03N	03W	27		25.0	14.0		11.0		17.0										67.0

Total Acres: 110

Conditions of Approval:Remarks:Comments:Dates and Other Information:

State of Idaho

License and Certificate of Water Right

Water License No. G-25085Amount 1.12 c.f.s.

Water District No. _____

Priority June 18, 1954

THIS IS TO CERTIFY that U. S. FISH and WILDLIFE SERVICE
 of Portland, Oregon, made application for a permit to appropriate the
 public waters of the State of Idaho, dated June 18, 19 54; that Permit No. G-25085
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.12 second feet, was issued thereunder on May 27, 19 57, showing that said works
 were completed on the 5th day of December, 19 56; and that on the 5th
 day of December, 19 56, F. Sheldon Dart, Agent

of Nampa, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
 subterranean, ~~underground~~ flow, for the purpose of Irrigation
under Use Permit No. G-25085 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6003, on the 27th day of May, 19 57;
 The right hereby confirmed dates from June 18, 19 54;

The Point of Diversion is located
 in the NW 1/4 NE 1/4, Sec. 27, Tp. 3N, R. 3W, B. M. County Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 1.12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	22	NW ¹ / ₄ SE ¹ / ₄	9.23	10
			SW ¹ / ₄ SE ¹ / ₄	33.40	33
		27	NW ¹ / ₄ NE ¹ / ₄	25.34	25
			NE ¹ / ₄ NW ¹ / ₄	10.62	11
			SE ¹ / ₄ NW ¹ / ₄	16.60	17
			SW ¹ / ₄ NE ¹ / ₄	13.87	14
			Total number of acres irrigated - - -		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
27th day of May, 19 57.

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-25085This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant U. S. Fish and Wildlife Service (R. Shelton Dart, Agent)
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27
T. 3 N. R. 3 W., B. M. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Pump and motor mounted on a concrete base 45" x 48" square heavy block. Wooden roof type for shade 40 hp. U.S. Motor #1029821. Layne Turbine pump #31725. EM switch panel #12473. Delivery to West thru 6" line into a buried 5" main line 4260' long. Six laterals 3" x 560' long (each) 84 sprinklers Rainbird #40 3/16" single nozzles.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
43 acres in the SE $\frac{1}{4}$, 1.30 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Sec. 22.,
27 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, 40 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$ in Sec. 27., ~~Tw~~ all in Twp. 3 N., Rge. 3 W.,

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Grain and alfalfa to grow with trucks and cattle for saleThis examination was made on the 28 day of February, 19 57G25085

(Signed) _____

E. H. Humphrey
Examiner.

County.....Canyon

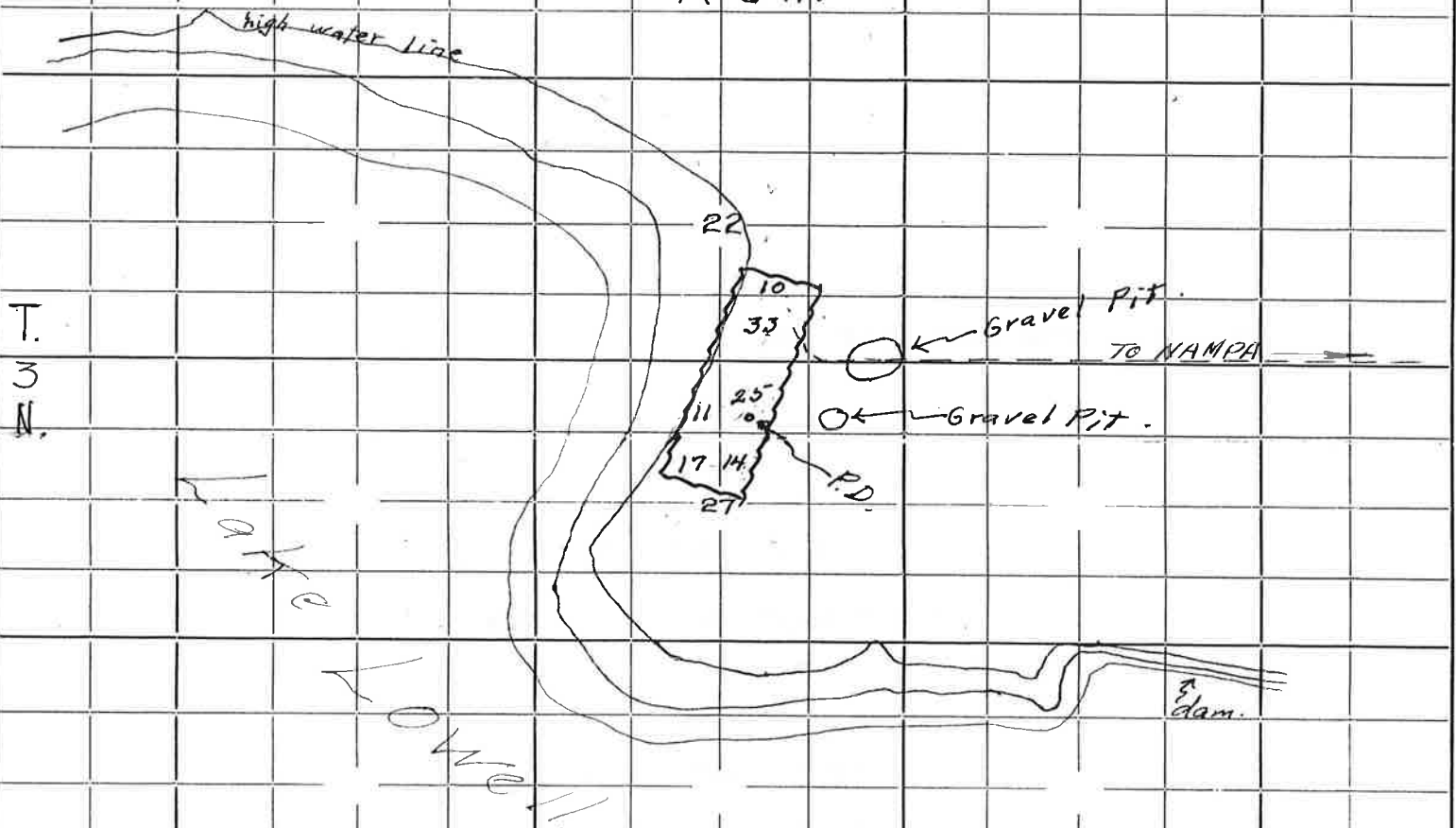
4260' x 5" in bearing
6' 6"

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
APR 4 1957
Department of State

Lake taken from aerial photo: assessor's office

R-3 W.



Subdivisions = Six
Area = 110 acres.
 $Q = 1.12 \text{ c.f.s.}$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25085

REPORT ON PROOF OF Completion of Works & Beneficial Use

U. S. Fish and Wildlife Service
(F. Sheldon Dart, Agent, Rt. 1, Nampa, Idaho)

1.12.01s
Sander

app - 2.2.01s
Sub - 6
a - 110

63-2997

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32914
Permit No. G- 25085
District No.

1. Name of Applicant: U. S. Fish and Wildlife Service
Portland, 14
Postoffice address: 1001 N.E. Lloyd Blvd./ County: Multnomah State: Oregon
2. Quantity of water claimed: 2.2 c.f.s.
 - (a) Rate of withdrawal in cubic feet per second. 2.2 or Idaho
Miners' inches 111 or gallons per minute. 999
 - (b) Annual withdrawal in acre feet per annum 528
3. Source of water supply: Underground, from Well No. 2
4. Location of point of diversion or well is in the NW 1/4 of the NE 1/4 of Section 27
Twp. 3 N. , Rge. 3 W. , B.M., County of Canyon
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled well with electric pump and ditches or sprinkling system
8. Estimated cost of works: \$ 12,000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 3 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are None.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By LEE R. JACOBY,
Lee R. Jacoby, Acting Regional Engineer ^{Agent.}

Corrected application received:

Witness my hand this 30th day of July, 1954

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th
day of July, 19 54.

By LEN JORDAN
Governor

[illegible]

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2997**

03/09/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2997	Claim	03N	03W	22	SE	SW		IRRIGATION		UNITED STATES OF AMERICA ACTING THROUGH
29770	Claim	03N	03W	22	SE	SW		IRRIGATION	2/167	UNITED STATES OF AMERICA ACTING THROUGH
4496	Water Right	03N	03W	22	SE	SW		DOMESTIC		HARRY L MC CONNEL
4501	Water Right	03N	03W	22	SE	SW		DOMESTIC		DENNIS G BROCK
2997	Claim	03N	03W	22	SW	SE		IRRIGATION		UNITED STATES OF AMERICA ACTING THROUGH
29770	Claim	03N	03W	22	SW	SE		IRRIGATION	36/167	UNITED STATES OF AMERICA ACTING THROUGH
2997	Water Right	03N	03W	22	SW	SE		IRRIGATION	33/110	US DEPT OF INTERIOR
2997	Claim	03N	03W	27	NW	NE		IRRIGATION		UNITED STATES OF AMERICA ACTING THROUGH
29769	Claim	03N	03W	27	NW	NE		IRRIGATION	26/78	UNITED STATES OF AMERICA ACTING THROUGH
2997	Water Right	03N	03W	27	NW	NE		IRRIGATION	25/110	US DEPT OF INTERIOR
2997	Claim	03N	03W	27	SW	NE		IRRIGATION		UNITED STATES OF AMERICA ACTING THROUGH
29769	Claim	03N	03W	27	SW	NE		IRRIGATION	12/78	UNITED STATES OF AMERICA ACTING THROUGH
2997	Water Right	03N	03W	27	SW	NE		IRRIGATION	14/110	US DEPT OF INTERIOR
2997	Claim	03N	03W	27	NE	NW		IRRIGATION		UNITED STATES OF AMERICA ACTING THROUGH
29770	Claim	03N	03W	27	NE	NW		IRRIGATION	14/167	UNITED STATES OF AMERICA ACTING THROUGH
2997	Water Right	03N	03W	27	NE	NW		IRRIGATION	11/110	US DEPT OF INTERIOR