

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

RECEIVED
FEB 28 2012

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Department of Water Resources
Eastern Region

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** U.S. Fish and Wildlife Service / Water Resources Branch Phone 503-231-2395

2. **MAILING ADDRESS** 911 NE 11th Ave. City Portland

State OR Zip 97232 Email rachel_esralew@fws.gov

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 31-269 and 31-271

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 8.5 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No		NE	SW	SE	1	7N	35E	Jefferson	Camas Creek	Main Diversion
No		NE	SE	NW	32	8N	36E	Jefferson	Camas Creek	West Side Diversion
Yes		NE	SE	SE	24	7N	35E	Jefferson	Camas Creek	Pintail Diversion

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion device will be an 18 inch pipe that includes a gravity flow measuring device. This structure is located in a remote location and no locking is currently planned, but could be added if necessary.

- b. Who owns the property at the point(s) of diversion? Department of Interior, U.S. Fish and Wildlife Service
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

RACHEL

ESRALEW

Signature of applicant or authorized agent

Digitally signed by

RACHEL ESRALEW

Date: 2022.02.14

16:32:59 -08'00'

Rachel Esralew, Water Resources Branch Chief

Print name and title if applicable

2/14/2022

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$1,140.00 Date 2/28/22 Received by C+H Receipt # E047847

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

3/4/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI FISH & WILDLIFE SERVICE DIVISION OF ENGINEERING 911 N E 11TH AVE PORTLAND, OR 97232-4181 (503) 231-6145

Status: Active

Tributary
MUD LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/01	10/31	1.500 CFS	
	Total Diversion		1.500 CFS	

Sec. 32, Twp 08N, Rge 36E, JEFFERSON County
Sec. 1, Twp 07N, Rge 35E, JEFFERSON County

WILDLIFE within JEFFERSON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	35E	1												X			X	X L7	
07N	35E	12	X L1	X	X	X L2	X			X	X	X			X L3	X	X	X L4	
07N	35E	13	X L1	X	X	X L2				X			X		X	X L3	X	X L4	
07N	35E	24	X L1	X	X	X L2	X			X	X			X	X L3	X	X	X L4	
07N	35E	25	X L1			X L2									X L3				
07N	36E	5						X L4	X					X					
07N	36E	6	X L1	X L2	X	X				X	X L6	X L7	X	X	X	X	X	X	
07N	36E	7	X	X	X	X	X	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	
07N	36E	8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/4/2022

07N	36E	9						X	X			X	X	X				
07N	36E	16						X	X		X	X	X	X		X	X	
07N	36E	17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
07N	36E	18	X	X	X	X	X	X _{L1}	X _{L2}	X	X	X _{L3}	X _{L4}	X	X	X	X	X
07N	36E	19	X	X	X	X	X	X _{L1}	X _{L2}	X	X	X _{L3}	X _{L4}	X	X	X	X	X
07N	36E	20	X	X	X	X	X	X	X	X	X	X	X	X		X		
07N	36E	21					X	X	X	X								
07N	36E	29					X	X	X	X		X						
07N	36E	30	X	X	X	X	X	X _{L1}	X _{L2}	X	X	X _{L3}	X _{L4}	X	X	X	X	X
08N	36E	32									X	X	X	X				

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES WITHIN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283, 31-00284, 31-02251, 31-02350, 31-02362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 3045 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283 AND 31-00284.
6. K06 THIS RIGHT IS LIMITED TO 75 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information:

Decreed Date: 7/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 31

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/4/2022

Water Right 31-271

Owner Type **Name and Address**
Current Owner UNITED STATES OF AMERICA
 ACTING THROUGH
 USDI FISH & WILDLIFE SERVICE
 DIVISION OF ENGINEERING 911 N E
 11TH AVE
 PORTLAND, OR 97232-4181
 (503) 231-6145

Priority Date: 4/1/1885

Basis: Decreed

Status: Active

Source
CAMAS CREEK

Tributary
MUD LAKE

Beneficial Use **From** **To** **Diversion Rate** **Volume**

Source and Point(s) of Diversion:

CAMAS CREEK NENWSE
CAMAS CREEK NESENW

Sec. 1, Twp 07N, Rge 35E, JEFFERSON County
Sec. 32, Twp 08N, Rge 36E, JEFFERSON County

Place Of Use:

WILDLIFE within JEFFERSON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	1												X			X	X L7	
07N	35E	12	X L1	X	X	X L2	X			X	X	X			X L3	X	X	X L4	
07N	35E	13	X L1	X	X	X L2					X			X	X L3	X	X	X L4	
07N	35E	24	X L1	X	X	X L2	X			X	X			X	X L3	X	X	X L4	
07N	35E	25	X L1			X L2									X L3				
07N	36E	5						X L4	X					X					
07N	36E	6	X L1	X L2	X	X					X	X L6	X L7	X	X	X	X	X	
07N	36E	7	X	X	X	X	X	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	
07N	36E	8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N	36E	9						X	X			X	X	X					

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/4/2022

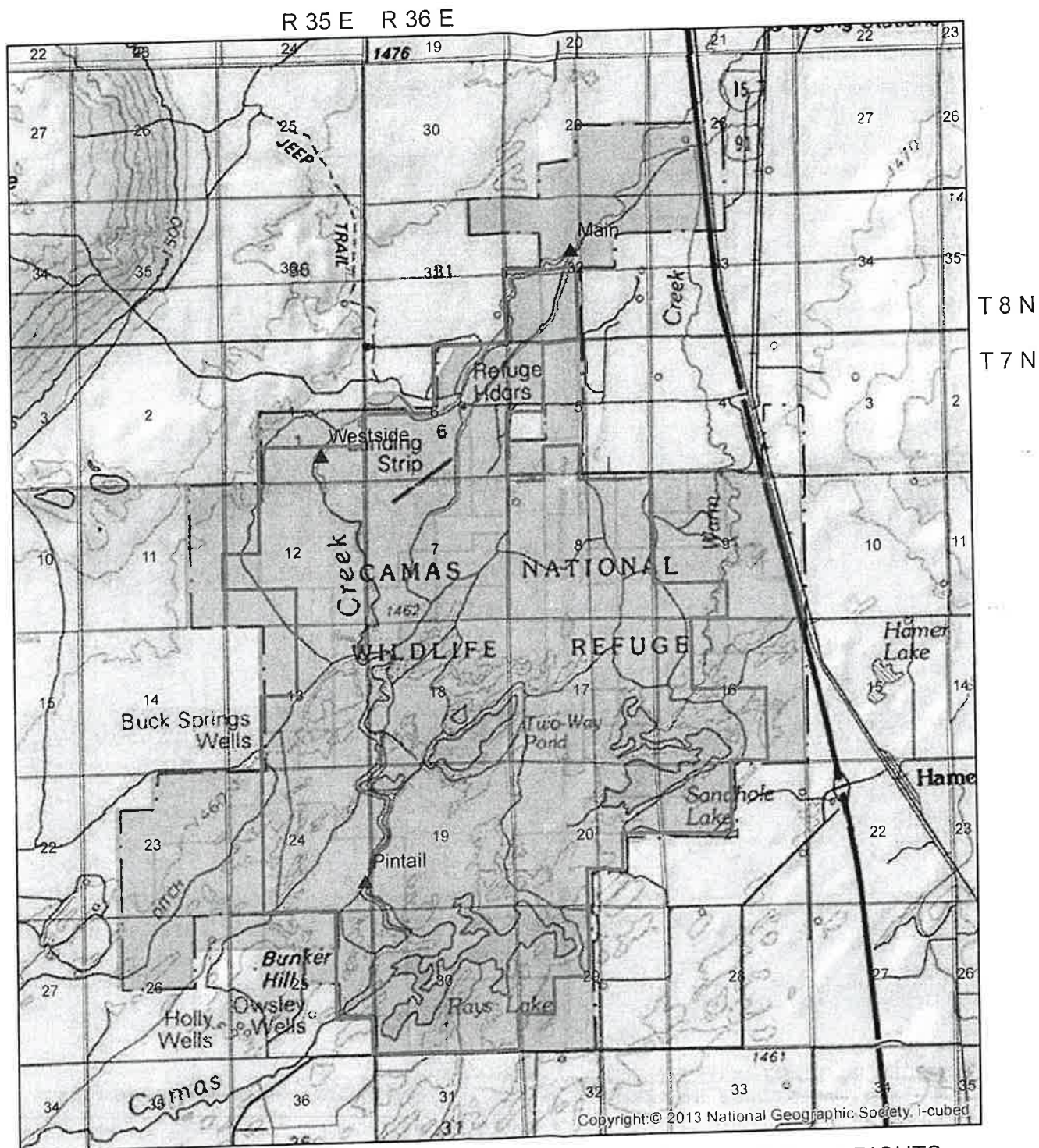
07N	36E	16						X	X		X	X	X	X		X	X		
07N	36E	17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N	36E	18	X	X	X	X	X	X _{L1}	X _{L2}	X	X	X _{L3}	X _{L4}	X	X	X	X	X	
07N	36E	19	X	X	X	X	X	X _{L1}	X _{L2}	X	X	X _{L3}	X _{L4}	X	X	X	X	X	
07N	36E	20	X	X	X	X	X	X	X	X	X	X	X	X		X			
07N	36E	21					X	X	X	X									
07N	36E	29					X	X	X	X		X							
07N	36E	30	X	X	X	X	X	X _{L1}	X _{L2}	X	X	X _{L3}	X _{L4}	X	X	X	X	X	
08N	36E	32									X	X	X	X					

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E14 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 3045 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283 AND 31-00284.
6. E14 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES WITHIN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274, 31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281, 31-00282, 31-00283, 31-00284, 31-02251, 31-02350, 31-02362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.
7. K06 THIS RIGHT IS LIMITED TO 350 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

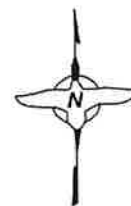
Dates and Other Information:

Decreed Date: 7/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 31



Legend

- ▲ Camas Creek PODs
 31-269 and 31-271 POU
 FWS Fee Owned



1 in = 1 miles

85895



In Reply Refer to:
FWS/R1/REFUGES

United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



RECEIVED

FEB 28 2022

February 14, 2022

Department of Water Resources
Eastern Region

Idaho Department of Water Resources Eastern Region
900 N Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Subject: Application for Addition of Water Right Point of Diversion for Camas National Wildlife Refuge for Water Right Numbers 31-269 and 31-271

The U.S. Fish and Wildlife Service is submitting the enclosed transfer application to add a new point of diversion on Camas Creek for two water rights, 31-269 and 31-271. Please find attached the Application for Transfer of Water Right - Point(s) of Diversion and a check for payment in the amount of \$1,140 in accordance with the published fee schedule.

If you have any questions or need further information, please contact me at Rachel_Esralew@fws.gov, or at (503) 231-2395.

**RACHEL
ESRALEW**

Digitally signed by RACHEL
ESRALEW
Date: 2022.02.14 16:31:30
-08'00'

Rachel Esralew,
Water Resources Branch Chief, Supervisory Hydrologist
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, OR 97232-4181

Attachments:

- (1) Application for transfer of water right – point(s) of diversion
- (2) Application map
- (3) Check for application fee

Hello,

Apologies for the non-traditional envelope! Enclosed is a check + permit request, requester Rachel Esralev with the USFWS. If you have any questions regarding the payment itself, please call me @ 406.369.2986 or email, russell.christianson@usfw.gov.

Thanks,
Russ

RECEIVED

FEB 28 2022

Department of Water Resources
Eastern Region



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 9, 2022

US FISH AND WILDLIFE SERVICE / WATER RESOURCES BRANCH
911 NE 11TH AVE
PORTLAND, OR 97232

RE: Transfer No. 85895
Water Right No(s). 31-269, 31-271

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on 3/16/2022 and 3/23/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 9, 2022 11:21 AM
To: info@jeffersonstarnews.com
Subject: Legal Notice for Jefferson Star
Attachments: 85895 Jefferson Star.docx

LEGAL NOTICE DEPARTMENT
JEFFERSON STAR
PO BOX 37
RIGBY, ID 83442

RE: Transfer No. 85895
Water Right No(s). 31-269, 31-271

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/4/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85895**

US FISH AND WILDLIFE SERVICE / WATER RESOURCES BRANCH, 911 NE 11TH AVE, PORTLAND, OR 97232 has filed Application No. 85895 for changes to the following water rights within JEFFERSON County(s): Right No(s). 31-269, 31-271; to see a full description of these rights and the proposed transfer, please see

<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. The proposed points of diversion are in NESWSE Sec 1 and Lot 4 (NESESE) (new) Sec 24, T07N R35E, and NESENW Sec 32 T08N R36E for 8.50 cfs from Camas Creek.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/4/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/16/2022 and 3/23/2022