

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

2003

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 31-2362, 31-11231)
Camas NWR)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-31-02

WHEREAS, a drought emergency has been declared for Jefferson
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 7/29/03, CAMAS NWR submitted the attached
Temporary Change Application TC-31-02 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 31-2362, 31-11231 is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-31-02

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) ³¹⁻¹¹²³¹31-2362 are limited to the irrigation of a total of 610 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 31 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12/31/03 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 30th day of July, 2003


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant United States of America Acting Through USDI Fish and Wildlife Service
Division of Engineering, 911 NE 11th Ave., Portland, OR 97232-4181
c/o Camas National Wildlife Refuge Phone (503) 281-6145
ATTN: Gerry Deutscher (208) 662-5423

Post Office Address 2150 E. 2350 N., Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Change point of diversion and place of use in order to continue pumping onto lands of the Camas National Wildlife Refuge for benefit of wildlife

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>31-2362</u>	<u>5/13/1957</u>	<u>10.60 cfs</u>	<u>wildlife</u>	<u>04/01</u> to <u>10/31</u>
<u>31-11231</u>	<u>5/7/1962</u>	<u>15.70 cfs</u>	<u>wildlife</u>	<u>03/20</u> to <u>11/16</u>
				to
				to

2. Total amount of water being transferred 15.70 * cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>5</u>	<u>#</u>	<u>SE</u>	<u>NW</u>	<u>SE</u>	<u>6</u>	<u>7N</u>	<u>36E</u>	<u>Jefferson</u>	<u>Well #5</u>

5. Lands irrigated or place of use: 610 acres w/in 5231 acres w/in boundary of Camas NWR

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			<u>See water right # 2363 for place of use</u>																

* Rights 31-2362 & 31-11231 limited to 15.7 cfs & 4,151 ^{afa} Total Acres 394 610

6. General Information:

7C-31-02

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will be dried up for remainder of 2003.
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain w/r has been used to irrigate land for wildlife
- e. Absent the changes, how would the right be used for the remainder of the year? It would continue to be used.
- f. Describe other water rights used for the same purpose.
See Remark #2 for Water Right # 31-2363.
- g. Remarks: This right, along with #31-2363 + 31-11232 are limited to 2,082 acres within 5,231 acres of Camas NWR.
As of 7/25/03 there remains 3,377 ac ft to be pumped from Well #3

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gerald L. Deutscher

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by CK Date 7/29/03 Fee 50⁰⁰

Receipted CK # E029058 Recommend: ✓ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. 7C-31-02

And said application is hereby approve, subject to the following limitations and conditions:

Witness my hand this 30th day of July, 2003:

Ronald P. Cook
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-11231

WATER RIGHT NUMBER: 31-11231

TC-31-02

Owner Type

Current Owner

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
(503)231-6145

Priority Date: 05/07/1962

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

WILDLIFE

From To

03/20 to 11/16

Diversion Rate

15.700 CFS

Annual Volume

2,016.00 AF

Total Diversion:

15.700 CFS

2,016.00 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4SE1/4 Sec. 1,Twp 07N,Rge 35E, B.M.

JEFFERSON County

Place of Use

WILDLIFE

Twp Rge 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	X	X		
07N 35E 12	X	X	X	X	X			X	X	X			X	X	X	X	
	L 1			L 2									L 3			L 4	
07N 35E 13	X	X	X	X					X			X	X	X	X	X	
	L 1			L 2									L 3			L 4	
07N 35E 24	X	X	X	X	X			X	X			X	X	X	X	X	
	L 1			L 2									L 3			L 4	
07N 35E 25	X																
	L 1																
07N 36E 7									X	X							
									L 3	L 4							
07N 36E 18					X	X			X	X							
					L 1	L 2			L 3	L 4							
07N 36E 19					X	X			X	X							
					L 1	L 2			L 3	L 4							
07N 36E 30					X												
					L 1												

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02362 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 15.7 CFS.

2. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES W/IN BOUNDARY OF CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHTS.: 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.

3. Place of Use USE OF THIS RIGHT IS LIMITED TO 394 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Comments:

1. csaxton 11/1/2000 POU Limited to lands West of Camas Creek.
2. csaxton 11/1/2000 POD Point of diversion also known as Well # 3.

Dates and Other Information:

Decreed Date: 2/22/2002
State or Federal: S
Water District Number: 31
Civil Case Number: 39576
Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2362

TC-31-02

WATER RIGHT NUMBER: 31-2362

Owner TypeName and Address

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: 05/13/1957

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

WILDLIFE

04/01 to 10/31

10.600 CFS

2,135.00 AF

Total Diversion: 10.600 CFS

2,135.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SE1/4Sec. 1,Twp 07N,Rge 35E, B.M.

JEFFERSON County

Place of Use

WILDLIFE

Twp Rge 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	X	X		
07N 35E 12	X	X	X	X	X			X	X	X			X	X	X	X	
07N 35E 13	X	X	X	X					X			X	X	X	X	X	
07N 35E 24	X	X	X	X	X			X	X			X	X	X	X	X	
07N 35E 25	X																
07N 36E 7									X	X							
07N 36E 18					X	X			X	X							
07N 36E 19					X	X			X	X							
07N 36E 30					X												

Remarks:

- Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-11231 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 15.7 CFS.

2. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES W/IN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHTS: 31-269,31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-00284, 31-02251, 31-02350, 31-02362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.

- Place of Use USE OF THIS RIGHT IS LIMITED TO **610 ACRES** WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Comments:

- csaxton 11/1/2000 POD POD also known as Well # 3.
- csaxton 11/1/2000 POU Limited to lands West of Camas Creek.
- csaxton 3/12/2001 DIVERSION VOLUME Notice of error requested diversion volume based on licensed acres and Field Headgate requirement of 3.5 AF/A. Recommended DIV VOL of 2135.

Dates and Other Information:

Decreed Date: 2/22/2002

State or Federal: S

Water District Number: 31

Civil Case Number: 39576

Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2363

WATER RIGHT NUMBER: 31-2363

7C-31-02

Owner TypeName and Address

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: 05/13/1957

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

WILDLIFE

04/01 to 10/31

39.000 CFS

7,287.00 AF

Total Diversion:

39.000 CFS

7,287.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4NW1/4 Sec. 32,Twp 08N,Rge 36E, B.M. JEFFERSON County

GROUND WATER SE1/4NW1/4SE1/4 Sec. 6,Twp 07N,Rge 36E, B.M. JEFFERSON County

GROUND WATER SW1/4NW1/4NW1/4 Sec. 8,Twp 07N,Rge 36E, B.M. JEFFERSON County

Place of Use

WILDLIFE

Twp Rge 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	
07N 35E 12	X	X		X												L 7	
07N 35E 13	X																
07N 35E 24	X															X	
07N 35E 25				X									X			L 3	
07N 36E 5				L 2		X	X					X					
07N 36E 6	X	X	X	X					X	X	X	X	X	X	X	X	
07N 36E 7	X	X	X	X	X	X	X	X	X	X	X	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					
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	X	X	X	X	X	X	X	X	X	X	
07N 36E 19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N 36E 20	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	X	X	X	X	X	X	X	X	X	X	
08N 36E 32						X	X		X	X	X	X					

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-11232 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 43.3 CFS.

2. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES W/IN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHTS: 31-269, 31-270, 31-271, 31-272, 31-00273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-0281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.

3. Place of Use THIS RIGHT IS LIMITED TO **2082 ACRES** WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Dates and Other Information:

Decreed Date: 7/31/2002

State or Federal: S

Water District Number: 31

Civil Case Number: 39576

Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-11232

TC-31-02

WATER RIGHT NUMBER: 31-11232

Owner TypeName and Address

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: 05/07/1962

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

WILDLIFE

01/01 to 12/31

43.300 CFS

3,435.00 AF

Total Diversion:

43.300 CFS

3,435.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4SE1/4 Sec. 6,Twp 07N,Rge 36E, B.M. JEFFERSON County

GROUND WATER SW1/4NW1/4NW1/4 Sec. 8,Twp 07N,Rge 36E, B.M. JEFFERSON County

GROUND WATER SE1/4SE1/4NW1/4 Sec. 32,Twp 08N,Rge 36E, B.M. JEFFERSON County

Place of Use

WILDLIFE

Twp Rge 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	
																L 7	
07N 35E 12	X	X		X													
	L 1			L 2													
07N 35E 13	X																
	L 1																
07N 35E 24	X															X	
	L 1															L 4	
07N 35E 25				X									X				
				L 2									L 3				
07N 36E 5						X	X				X						
						L 4											
07N 36E 6	X	X	X	X					X	X	X	X	X	X	X	X	
	L 1	L 2								L 6	L 7						
07N 36E 7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
					L 1	L 2				L 3	L 4						
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					
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	X	X	X	X	X	X	X	X	X	X	
					L 1	L 2				L 3	L 4						
07N 36E 19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
					L 1	L 2				L 3	L 4						
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	X	X	X	X	X	X	X	X	X	X	
					L 1	L 2				L 3	L 4						
08N 36E 32						X	X		X	X	X	X					

Remarks:

- Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02363 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 43.3 CFS.
- Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES W/IN BOUNDARY OF CAMAS NATIONAL WILDLIFE REFUGE. COMBINED RIGHTS: 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 310278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-02363, 31-07301, 31-11230, 31-11231 AND 31-11232.
- Place of Use THIS RIGHT IS LIMITED TO 1792 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Dates and Other Information:Decreed Date: 7/30/2002
State or Federal: SWater District Number: 31
Civil Case Number: 39576
Judicial District: FIFTH