

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

2002

TC-31-01

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT ³¹⁻²³²² IN THE NAME)
³¹⁻¹¹²²⁹)
OF)
USA, USDI FISH & WILDLIFE SERVICE)
CAMAS NATIONAL WILDLIFE REFUGE)

ORDER AUTHORIZING
TEMPORARY CHANGE

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 county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A 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 or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 10/9/2002, ^{USDI FISH & WILDLIFE SERVICE} CAMAS NAT WILDLIFE REFUGE submitted the attached Temporary Change Application ("application") to the Department; and

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

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

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

1. Diversion and use of right no(s). ³¹⁻²³²² 31-11229 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a

replacement water supply to lands or other uses that 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.

4. Right(s) ³¹⁻²³²²31-11229 are limited to the irrigation of a total of 183 acres in a single irrigation season and 990 ac-ft.
5. 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.
6. 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.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 31 is authorized to administer the temporary change approval.
10. This temporary change approval expires on Dec 15 2002 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 ^{tc}10 day of October, 2002


 AUTHORIZED PERSON
 IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

United States of America Acting thru USDI FISH & WILDLIFE SERVICE
DIVISION OF ENGINEERING, 911 N E 11th AVE, Portland, OR. 97232-4181
c/o Camas NATIONAL Wildlife Refuge Phone (503) 231-6145
ATTN: GERRY DEUTSCHER (208) 662-5423

Name of Applicant

Post Office Address

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 wildlife refuge for benefit of wildlife

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------|--------------------|---------------|---------------|
| 31-2322 | 5/9/1955 | 5.78 cfs | Wildlife | 4/1 to 10/31 |
| 31-11229 | 11/05/1957 | 7.12 cfs | Wildlife | 3/16 to 12/16 |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 7.12* cubic feet per second and/or _____ acre-feet per annum
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: 183 acres w/in 5231 acres w/ the boundary of Camar National Wildlife

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Refuge Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE WATER RIGHT #31-2363 FOR PLACE OF USE																

* Rights 31-23229 & 31-11229 Limited to 712 cfs & 1775 afa

Total Acres 183

6. General Information:

TC-31-01

- 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 dry up
- d. Has the water right sought to be transferred been used this year? ☒ If yes, explain. P/W has been used to irrigate land for wildlife
- e. Absent the changes, how would the right be used for the remainder of the year? 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: All water rights are limited to 2082 acres w/in 5231 acres of Camas National Wildlife Refuge
Applicant indicated that there were 990 acft remaining to be pumped on Well #1

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. Dantley, Refuge Manager
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 10/19/2002 Fee \$ 50⁰⁰
Receipted KCW # E028223 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. _____

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

Witness my hand this 10th day of October, 2002.

Ronald D. Rank
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2363

WATER RIGHT NUMBER: 31-2363

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	
																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	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					

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-2363

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE 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.

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

Comments:

1. rbrown 3/1/2002 SF5
Comment: This version removes land in S05 and adds land in S09 to resolve objection.

Dates and Other Information:

Licensed Date:
Decreed Date: 7/31/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 31
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-11229

WATER RIGHT NUMBER: 31-11229

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: 11/05/1957

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

WILDLIFE

From To

03/16 to 12/16

Diversion Rate

7.120 CFS

Annual Volume

875.00 AF

Total Diversion:

7.120 CFS

875.00 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4SW1/4

Sec. 28, 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	
08N 36E 29												X	X	X	X	X	
08N 36E 32	X	X			X			X									

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02322 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.12 CFS.
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 31-02322 IS LIMITED TO 183 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.
3. Place of Use THIS RIGHT IS LIMITED TO 183 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Comments:

1. Comment: Place of use also known as the North Marsh.
2. Comment: POD known as Well 1

Dates and Other Information:

Licensed Date:
Decreed Date: 2/22/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 31
Generic Max Rate Per Acre:

Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2322

WATER RIGHT NUMBER: **31-2322**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: 05/09/1953

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

WILDLIFE

04/01 to 10/31

5.780 CFS

900.00 AF

Total Diversion:

5.780 CFS

900.00 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4SW1/4

Sec. 28, 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	
08N 36E 29												X	X	X	X	X	
08N 36E 32	X	X			X			X									

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-11229 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.12 CFS.
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 31-11229 IS LIMITED TO 183 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.
3. Place of Use THIS RIGHT IS LIMITED TO 183 ACRES WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE.

Comments:

1. Comment: POU known as North Marsh located West of Camas Creek.
2. Comment: POD also known as Well 1.

Dates and Other Information:

Licensed Date:
Decreed Date: 2/22/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 31
Generic Max Rate Per Acre:

Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False