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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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AUG - 6 2003

Department of Water Resources

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

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**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

MICHOSONE

OCT 07 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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TEMPORARY CHANGE APPLICATION

Department of Water Resources

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

United States of America Acting Through USDI Fish and Wildlife Service
Division of Engineering, 911 NE 11th Ave., Portland, OR 97232-4181Name of Applicant U.S. Camas National Wildlife Refuge Phone (503) 281-6145
ATTN: Gerry Deutscher (208) 662-5423Post 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>1</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	

* Rights 31-2362 + 31-11231 limited to 15.7 ~~15.7~~ ^{4.151} ac-ft. Total Acres 394 610

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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 # 5029058 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:

MICHAEL L. [Signature]

For the Director

OCT 3 7 2003

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 31-02362

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

SOURCE: GROUND WATER

QUANTITY: 10.60 CFS
2135.00 AFT

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

PRIORITY DATE: 05/13/1957

POINT OF DIVERSION: T07N R35E S01 NWNWSE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	04-01 TO 10-31	10.60 CFS 2135.00 AFT

PLACE OF USE:	Wildlife	Within Jefferson County
	T07N R35E S01	SESW
	LOT 06 (NESE)	NWSE
	SWSE	
	S12 LOT 01 (NENE)	NWNE
	SWNE	LOT 02 (SENE)
	NENW	SESW
	NESW	NWSW
	LOT 03 (NESE)	NWSE
	SWSE	LOT 04 (SESE)
	S13 LOT 01 (NENE)	NWNE
	SWNE	LOT 02 (SENE)
	NESW	SESW
	LOT 03 (NESE)	NWSE
	SWSE	LOT 04 (SESE)
	S24 LOT 01 (NENE)	NWNE
	SWNE	LOT 02 (SENE)
	NENW	SESW
	NESW	NWSW
	LOT 03 (NESE)	NWSE
	SWSE	LOT 04 (SESE)
	S25 LOT 01 (NENE)	
	R36E S07 LOT 03 (NWSW)	LOT 04 (SWSW)
	S18 LOT 01 (NWNW)	LOT 02 (SWNW)
	LOT 03 (NWSW)	LOT 04 (SWSW)
	S19 LOT 01 (NWNW)	LOT 02 (SWNW)
	LOT 03 (NWSW)	LOT 04 (SWSW)
	S30 LOT 01 (NWNW)	

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,

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 31-02362

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

31-11230, 31-11231 AND 31-11232.

USE OF THIS RIGHT IS LIMITED TO 610 ACRES WITHIN THE BOUNDARY
OF THE PLACE OF USE DESCRIBED ABOVE.

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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