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BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources

OF THE STATE OF IDAHO

TC-31-01

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT ³¹⁻²³²² IN THE NAME)
OF ³¹⁻¹¹²²⁹)
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

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NOV 18 2002

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 th10 day of October, 2002.


 AUTHORIZED PERSON
 IDWR

NOV 18 2002

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. Dentator, Refuge Manager
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 10/9/2002 Fee \$ 50⁰⁰

Received 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

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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 31-02322

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: 5.78 CFS
900.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 31-11229 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.12 CFS.

PRIORITY DATE: 05/09/1953

POINT OF DIVERSION: T08N R36E S28 SENWSM Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	04-01 TO 10-31	5.78 CFS 900.00 APY

PLACE OF USE:	Wildlife		Within Jefferson County
	T08N R36E S29	SESW	NESE
		NWSE	SWSE
		SESE	
	S32	NENE	NWNE
		NENW	SENW

THIS RIGHT IS LIMITED TO 183 ACRES WITHIN THE BOUNDARY OF THE
PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 31-11229 IS LIMITED TO 183
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

TRANSFER REVIEW SHEET

Trans # 70865

Date Reviewed 9/23/03

Right No(s) 31-2322 31-11229
Split? -Y (N) -Y (N) -Y N -Y N -Y N -Y N

AREA OF CONCERN: No/Yes

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with S.O.)
Check for Partial Decree issuance, etc. since time of application's entry

*ARC view 12/15/03
Redne 9/8/04*

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Lien Holder Release

GROUNDWATER:

DRILLING PERMIT

All wells - 046 ²³²²
DP upgrade req'd Y N (contact GW)
WMD - North/East/West
- No MD
- 067

WMD

- No MD
- 01M or 01Q

SUPPLEMENTAL SUPPLEMENTAL

- 065-104 (where irrigation is the only use)
- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)
- 115 (meas. Device) ²³²² ⁽¹⁵⁾

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
- 070-071-075 (no parks/common areas, etc)
- WB5
>1 in restricted area
Irr use listed separate

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop ²³²²
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined -
multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu ²³²²
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt
or Recomm yet)

²³²² T19 replaces C18
(if at Recommendation
or Partial Decree stage)

T20 - use only on unchg'd rts
not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated Approval form printed ✓ Shape files created
Special Mailing Instructions (cc's, etc)
Final database update after approval ✓ *Comment to WR No(s). NA

10-28-04 28

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T 70865

INITIAL REVIEW BY: Kaw

1. Right number 31-2322 ³¹⁻¹¹²²⁹ Applicant U.S. Fish & Wildlife Service

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s)
☒ Change place of use ☐ Other _____

4. Check:

a. ☐ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

Gerry Deutscher
662-5423 w
662-5525 fax

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☒ No

d. ☒ Check description of point(s) of diversion.

e. ☐ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments No Expansion

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 31-2363 & 31-11232

k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☐ Yes ☐ No

4. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By RC Date 3/5/04

Approval Updates Completed
10-28-2004 28

*All uses within Watermaster District require special conditions

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