



United States Department of the Interior

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



In Reply Refer to:
FWS/R1

10/18/2024

Memorandum

To: Mathew Weaver, Director
Idaho Department of Water Resources
Idaho Water Center
322 East Front Street Suite 648
Boise, ID 83702-7371

From: Rachel Esralew
Supervisor, Regional Water Rights Manager, Water Resources Branch
U.S. Fish and Wildlife Service

Re: **United States on behalf of U.S. Fish and Wildlife Service submission of Notice of Claim under the Bear River Basin Adjudication within Idaho Department of Water Resources Administrative Basin 13**

The United States on behalf of the U.S. Fish and Wildlife Service (Service) is submitting a Notice of Claim under the Bear River Basin Adjudication (BRBA) that represents claimed water use at the Oxford Slough Wildlife Production Area within Idaho Department of Water Resources (IDWR) Administrative Basin 13.

As an agent of the Service, I am the signatory on Item 15 of the Notice of Claim. Under Item 16 of the Notice of Claim, a separate document is included in the Claim Package documenting Notice of Appearance (Entry of Appearance) of individuals from the U.S. Department of Justice (U.S. DOJ) on behalf of the United States.

Idaho Code § 42-1414 requires each person who files a Notice of Claim to pay a filing fee. However, the United States does not have the authority to pay state filing fees for the BRBA. Congress enacted the McCarran Amendment, 43 U.S.C. § 666, to allow the joinder of the United States in state general stream adjudications. Under the U.S. Supreme Court's decision in *United States v. Idaho*, 508 U.S. 1 (1993), the McCarran Amendment does not waive the United States' sovereign immunity from general stream adjudication fees.

A separate email will be sent to idwrinfo@idwr.idaho.gov to confirm submission of this package. The Service requests confirmation of receipt of this notice of claim by IDWR in writing. Please contact me or the U.S. DOJ attorneys listed in the Entry of Appearance with any questions.

REGION 1
COLUMBIA-PACIFIC NORTHWEST

WASHINGTON, OREGON, IDAHO, PACIFIC
ISLANDS

REGION 8
PACIFIC SOUTHWEST

CALIFORNIA, NEVADA, OREGON (KLAMATH
BASIN)

Sincerely,

RACHEL ESRALEW Digitally signed by RACHEL ESRALEW
Date: 2024.10.25 13:59:46 -07'00'

Rachel Esralew Water Resources Branch Chief - Supervisory Hydrologist
U.S. Fish and Wildlife Service
Columbia Pacific Northwest and Pacific Southwest Region
911 NE 11th Avenue
Portland, OR 97232-4171

CC:

Michael Jeletic (Service)
Katherine Laubach (U.S. DOJ)
Mark Widerschein (U.S. DOJ)
Michelle Ramus (U.S. DOJ)

Attachments:

Notice of Claim
Addendum A
Map (2 pages)
Change of Water Right Ownership
Addendum B
Chain of Title
Warranty Deed
Business status of the Oxford Reservoir and Irrigation Company
Notice of Appearance