

COPY

RECEIVED

AUG 20 2002

Department of Water Resources

2002 AUG 19 AM 10:36

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**2nd SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING PARTIAL DECREE
FOR WATER RIGHT CLAIM NOS.
85-11143, 85-11144, 85-11145**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

August 15, 2002

DESCRIPTIVE SUMMARY

This is an additional Supplemental Director's Report Regarding Partial Decree for Water Right Claim Nos. 85-11143, 85-11144, and 85-11145 submitted by the Director of the Idaho Department of Water Resources (IDWR). The first *Supplemental Director's Report* for these rights was submitted to the Snake River Basin Adjudication (SRBA) Court on June 8, 2001.

DISCUSSION

The SRBA Court entered its partial decrees on December 29, 2000 for Water Right Claim Nos. 85-11143, 85-11144, and 85-11145. On or about February 8, 2001, the Court received correspondence from the decree holders (the Stucks) pertaining to the aforementioned partial decree.

The Director of IDWR submits for filing with the Court, this Supplemental Director's Report Regarding Partial Decree for Water Right Claim Nos. 85-11143, 85-11144, and 85-11145. IDWR provides the following information:

The Stucks submitted all three water right claims in 1988. The claims are summarized in the following table:

Claim No.	Claimed Source	Claimed Point of Diversion	Claimed Place of Use
85-11143	Ground water	NWSW, S26, T30N, R3E	NWSW, S26, T30N, R3E
85-11144	Spring	NWSW, S26, T30N, R3E	NWSW, S26, T30N, R3E
85-11145	Ground water	NWSW, S26, T30N, R3E	NWSW, S26, T30N, R3E

Each of the claims describes the same tract as the point of diversion and place of use.

There are two separate domestic uses from the same well (85-11143 and 85-11145) and one stockwater use from a spring source (85-11144).

IDWR investigated the claims in 1993 and found the points of diversion and places of use to be located in the SWNW, not the NWSW as claimed, based on information provided by the Idaho County Assessor. IDWR's recommendations were based on this investigation.

The Stucks corresponded with IDWR in July 2001, indicating they had found an error in their warranty deed as to the legal description of their property. The Stucks had received a corrected warranty deed from the Idaho County Assessor, and submitted a copy of the corrected deed, along with a plat map indicating the location of the spring in question. Given this new information, IDWR now agrees that the elements of these water rights should be described per the attached *Amended Director's Reports*.

Respectfully submitted this 15TH day of August, 2001.



Roxanne Brown
Senior Water Resource Agent

CERTIFICATE OF SERVICE

I certify that on August 15, 2002, I delivered the original and/or copies of this form, including all attachments, to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

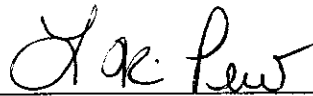
United States Dept. of Justice
Environment & Natural Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Forrest G. Stuck
Marie E. Stuck
Rt. 2 Box 215
Grangeville, ID 83530

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person serving this document

08/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-11143

NAME AND ADDRESS: MARIE E STUCK
RT 2 BOX 215
GRANGEVILLE ID 83530

FORREST G STUCK
RT 2 BOX 215
GRANGEVILLE ID 83530

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/31/1975

POINT OF DIVERSION:

T30N R03E S26 NWSW Lot 6 Within IDAHO County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.04 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T30N R03E S26 Lot 5 SWNW

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. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

08/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-11144

NAME AND ADDRESS: FORREST G STUCK
RT 2 BOX 215
GRANGEVILLE ID 83530

MARIE E STUCK
RT 2 BOX 215
GRANGEVILLE ID 83530

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/31/1965

POINT OF DIVERSION:

T30N R03E S26 NWNWSW Lot 6 Within IDAHO County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.02 CFS

PLACE OF USE: STOCKWATER Within IDAHO County

T30N R03E S26 Lot 5 SWNW

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. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

08/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-11145

NAME AND ADDRESS: FORREST G STUCK
RT 2 BOX 215
GRANGEVILLE ID 83530

MARIE E STUCK
RT 2 BOX 215
GRANGEVILLE ID 83530

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/31/1975

POINT OF DIVERSION:

T30N R03E S26 SWNW Lot 6 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.04 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T30N R03E S26 Lot 5 SWNW

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. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use