

**DIRECTOR'S REPORT OF DEFERRED
DE MINIMIS DOMESTIC AND / OR STOCK WATER USE**

Claim No. 74-1075

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Carter Fritschle, Manager, Adjudication Section

August 29, 2014

DESCRIPTIVE SUMMARY

This is a Director's Report of Deferred De Minimis Domestic and / or Stock Water Use submitted by the Director of the Idaho Department of Water Resources (IDWR).

INTRODUCTION

A Motion for Determination of Deferred De Minimis Domestic or Stock Water Use (Motion), as well as a Notice of Claim to Water Right, was submitted to the Court on May 29, 2014, under water right claim no. 74-1075. The claimants, Bruce and Glenda McConnell, published notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Carter Fritschle, Manager, Adjudication Section on behalf of the Director. The materials used in and results of the examination of the elements of water right claim 74-1075 are discussed below.

DISCUSSION

Priority Date – The priority date claimed was 4/1/1913. This matches the priority date decreed for water right 74-1075 in the Lemhi Adjudication, which was based on the date of the first house on the property.

Point of Diversion – The point of diversion (spring) was located the on the historic Lemhi Adjudication maps. The point of diversion was confirmed to be in T16N, R25E, S09, SWNE. IDWR's Point of Diversion spatial data layer for the recommendation was updated to match the location shown for the spring on the Lemhi Adjudication map.

Source – The source for decreed water right 74-1075 was listed as a Springs tributary to Lee Creek. The source recommended for claim 74-1075 was Springs tributary to Lee Creek even though only one spring location was identified.

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Place of Use – Water right 74-1075 was decreed in the Lemhi Adjudication for domestic use in T16N, R25E, S09, SWNE. An examination of the high resolution Esri aerial photo (undated) indicates there was a dwelling located in the T16N, R25E, S09, SENW. There were also structures located in the SWNE, but those structures appeared to be outbuildings. The resolution of the 1987 aerial photo was insufficient to verify the dwelling was located in the SENW at that time. The 1992 aerial photo did confirm a structure was located in approximately the same location as the dwelling that appeared in the Esri aerial photo (slightly to the south and east of the present structure). The Google Earth aerial photo dated 6/30/2014 was consistent with the Esri aerial photo. Therefore, the place of use for the claimed domestic use was recommended as an accomplished transfer from location described in the Lemhi Decree at the SWNE to the SENW of Section 9. Stock water was not claimed as a water use in the Lemhi Adjudication for water right 74-1075. However, the 1987 aerial photo indicated stock corrals were located in the NWNE, SWNE and SENW of Section 9, which was confirmed in the Esri aerial photo. IDWR was unable to confirm the stock water use claimed in the NENW of Section 9.

Purpose of Use and Period of Use – Water right 74-1075 was decreed in the Lemhi Adjudication for year-round domestic use. The SRBA claim for water right 74-1075 included stock water as an additional use. Generally when an additional use was claimed in the SRBA as an accomplished change in purpose of use pursuant to Idaho Code § 42-1425, the original use described on the water right was reduced. However, since domestic uses can include water for livestock as defined in Idaho Code § 42-111, the recommendation for 74-1075 included the claimed year-round stock water use as an accomplished change in purpose of use at the locations

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of the stock corrals found in the aerial photos.

Quantity – Water right 74-1075 was decreed in the Lemhi Adjudication with a total diversion rate of 0.02 cfs. The SRBA claim for 74-1075 claimed a total diversion rate of 0.04 cfs. The recommended total quantity for claim 74-1075 had to be limited to 0.02 cfs in order to prevent an enlargement of the water use. The additional purpose of use claimed (stock water) and the original domestic use decreed for water right 74-1075, when combined cannot exceed 0.02 cfs, and the right must be limited to 13,000 gallons per day.

IDWR has added the appropriate standard conditions to the recommendation, and IDWR's Claim Verification Report has been completed.

Pursuant to Judge Wildman's *Order Granting Motion Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, dated June 28 2012, the Director submits this Director's Report of Deferred De Minimis Domestic Water Use, Claim No. 74-1075, which includes the recommendation of deferred de minimis water right no. 74-1075.

Respectfully submitted this 29th day of August, 2014.


CARTER FRITSCHLE
Manager, Adjudication Section

08/14/2014

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-1075

NAME AND ADDRESS: GLENDA MC CONNELL
100 COTTOM LN
LEADORE ID 83464

BRUCE MC CONNELL
100 COTTOM LN
LEADORE ID 83464

SOURCE: SPRINGS

TRIBUTARY: LEE CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1913

POINT OF
DIVERSION: T16N R25E S9 SWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER in LEMHI County

T16N R25E S09 NWNE T16N R25E S09 SWNE

T16N R25E S09 SENW

DOMESTIC in LEMHI County

T16N R25E S09 SENW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 250 cattle.

Parcel No. RP16N25E090600

CERTIFICATE OF SERVICE

I certify that on August 29, 2014, I caused to be served a true and correct copy of this Director's Report of Deferred De Minimis Domestic and / or Stock Water Use, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
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2. Copies to:

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

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☐ E-mail

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

☐ Overnight Mail
☒ Regular Mail
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Lemhi County Courthouse
206 Courthouse Dr.
Salmon, ID 83467

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☐ E-mail

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McHugh Bromley, PLLC
380 S. 4th St. Ste. 103
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☐ E-mail

Bruce and Glenda McConnell
100 Cottom Lane
Leadore, ID 83464

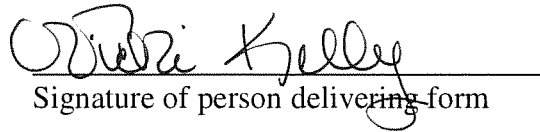
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