

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

**Claim No. 63-33991**

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

November 24, 2014

## **DESCRIPTIVE SUMMARY**

This is a Director's Report of Deferred De Minimis Domestic and 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 September 11, 2014, under water right claim no. 63-33991. The claimant, Janis Wroten-Graham, 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 63-33991 are discussed below.

## **DISCUSSION**

Priority Date – The priority date claimed was 8/21/2001. A well driller's report in the name of Holton Homes was submitted with the claim with a completion date of 8/21/2001. Although the well driller's report could not be confirmed to be for the well claimed at the point of diversion for 63-33991, the Ada County tax lot data indicates the home was built in 2001. Therefore, the claimed priority date of 8/21/2001 was recommended.

Point of Diversion – The location of the well was marked on the map submitted with the claim. The point of diversion claimed was confirmed to be in T05N, R01W, S28, SWSE. IDWR's point of diversion special data layer for the recommendation has been updated.

Source – The source of water diverted from a well is ground water.

Place of Use – The 2004 aerial photo confirms the location of the home and horse arena in T05N, R01W, S28, SWSE. The Ada County tax lot data indicates the claimant owns the property where the structure is located in Lot 2, Block 1, Kling Estates Subdivision. IDWR's place of use special data layer for the recommendation was updated to show the home and lawn as the domestic place of use and the arena and adjacent structures as the stockwater place of use.

Purpose of Use and Period of Use – The domestic use was verified by the home in the aerial photos and the stockwater use was verified by the presence of the horse arena. Wells used for domestic and/or stockwater purposes are recommended for year round use if year round use was claimed.

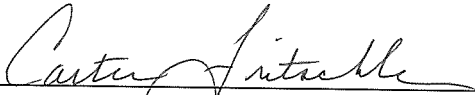
Quantity – The well driller's report shows the well produced 150 plus gallons per minute during a 2 hour pump test. The amount claimed is 0.04 cfs (18 gallons per minute). While we cannot confirm the well indeed produced 150 galls per minute, the 0.04 cfs claimed is typical of what IDWR can recommend for de minimis domestic and/or stockwater use when there is not information to the contrary.

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. 63-33991, which includes the recommendation of deferred de minimis water right no. 63-33991.

Director's Report of Deferred De Minimis Domestic and / or Stock Water Use  
Claim No. 63-33991

Respectfully submitted this 24<sup>th</sup> day of November, 2014.

  
CARTER FRITSCHLE  
Manager, Adjudication Section

## CERTIFICATE OF SERVICE

I certify that on November 24, 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  
☐ Hand-Delivered  
☐ E-mail

2. Copies to:

Chief, Natural Resources Div.  
Office of the Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

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

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

Ada County Courthouse  
200 W. Front Street  
Boise, ID 83702-7300

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

Chris M. Bromley  
McHugh Bromley, PLLC  
380 S. 4<sup>th</sup> St. Ste. 103  
Boise, ID 83702

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

Janis Wroten-Graham  
8603 W High Ridge  
Eagle, ID 83616

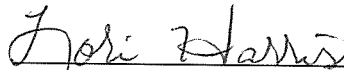
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

U.S. Attorney's Office  
800 Park Blvd., Ste. 600  
Boise, ID 83712

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

☐ Overnight Mail  
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Signature of person delivering form

11/24/2014

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

RIGHT NUMBER: 63-33991

NAME AND ADDRESS: JANIS WROTEN-GRAHAM  
8603 W HIGH RIDGE LN  
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 08/21/2001

POINT OF

DIVERSION: T05N R01W S28 SWSE Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

STOCKWATER

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER in ADA County

T05N R01W S28 SWSE

DOMESTIC in ADA County

T05N R01W S28 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

Property is also known as Lot 2, Block 1, Kling Estates Subdivision.

Parcel No. S0328449100