

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

Claim No. 77-14354

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

June 4, 2015

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 and/or Stock Water Use (Motion), as well as a Notice of Claim to Water Right, was submitted to the Court on November 20, 2014, under water right claim no. 77-14354. The claimants, Don and Cheryl Masters, 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 77-14354 are discussed below.

DISCUSSION

Priority Date – The priority date claimed was August 6, 1959. The Idaho County tax lot data has 1958 as the year built for the house on this property.

Point of Diversion – The point of diversion (spring) was located with the GPS coordinates entered on the claim. The GPS coordinates placed the point of diversion in T26N, R08E, S34, NWNW rather than in Section 27 as claimed. IDWR's Point of Diversion spatial data layer for the recommendation was updated to match the location described by the GPS coordinates, and the recommended legal description for the point of diversion is T26N, R08E, S34, NWNW.

Source – The source for claim 77-14354 was listed as a spring tributary to sinks. It was not possible to verify that a spring is actually located at the GPS coordinates provided. But the

GPS coordinates place the location in a ravine, and there are numerous springs shown on the USGS topographic map in the ravines and canyons in the area of the Dixie town site.

Place of Use – The Idaho County tax lot data shows the McCarley Family Trust with an address of 10901 176th Circle NE #2711, Redmond, WA owns Lots 30, 31 and 32, Block D, Dixie town site. There is a structure in the aerial photo that appears to be a house on the three lots. The Public Land Survey description for the parcel is T26N, R08E, S34, NWNW. The claim lists the place of use in Section 27, but none of the tax lots in Section 27 are owned by the claimants, Don and Cheryl Masters, or H. H. McCarley. The recommended legal description for the place of use is T26N, R08E, S34, NWNW.

Purpose of Use and Period of Use – The claim states the purpose of use is for one home and the period of use is year round. The aerial photo confirms a structure on the property that appears to be a house; therefore, year round use of the water is probable and has been recommended.

Quantity – The claimed diversion rate is 0.04 cfs (18 gallons per minute) which is typical of the diversion rates claimed and recommended for de minimis domestic use. While no flow measurements were provided, the claimed amount can be recommended.

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. 77-14354, which includes the recommendation of deferred de minimis water right no. 77-14354.

Respectfully submitted this 4th day of June, 2015.



CARTER FRITSCHLE
Manager, Adjudication Section

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

RIGHT NUMBER: 77-14354

NAME AND ADDRESS: DON MASTERS
10120 163 AVE NE
REDMOND WA 98052

CHERYL MASTERS
10120 163 AVE NE
REDMOND WA 98052

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 08/06/1959

POINT OF
DIVERSION: T26N R08E S34 NWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in IDAHO County
T26N R08E S34 NWNW

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 Lots 30, 31 and 32, Block D, Dixie Townsite.

Parcel No. RP0095000D030A

CERTIFICATE OF SERVICE

I certify that on June 4, 2015, 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

Idaho County Courthouse
320 West Main
Grangeville, ID 83530

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

Don Masters
Cheryl Masters
10120 163rd Avenue NE
Redmond, WA 98052

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

Fred Harris

Signature of person delivering form