

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

Claim No. 63-34203

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 22, 2016

DESCRIPTIVE SUMMARY

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

INTRODUCTION

A Motion to File Late Notice of Claim (Motion), as well as the original Notice of Claim to Water Right, was submitted to the Court on March 2, 2016, under water right claim no. 63-34203. The claimant, America First Federal Credit Union, 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 63-34203 are discussed below.

DISCUSSION

Priority Date – The claimed priority date is 12/31/1953. This date is supported by a photo of a concrete stock trough with 1953 “engraved” in the concrete. During examination of the claim, it was determined that the point of diversion claimed for this water use had been one of two licensed points of diversion for water right 63-2163. Water right 63-2163 was for irrigation and domestic use, and was not claimed in the SRBA. While the irrigation use described on 63-2163 has been decreed disallowed, the “domestic” use, which could include stockwater, is considered deferrable. The priority date of license 63-2163 was 4/17/1911, and that priority date could be recommended for this water use if the claim was amended to claim the 4/17/1911 date.

Point of Diversion – The location of the point of diversion identified on the map submitted with the claim was reproduced in IDWR’s spatial data. The ESRI one-foot resolution aerial photo clearly shows the spring area, and what appears to be a ditch or perhaps the

excavation for a pipeline from the spring to the place of use.

Source – The vegetation visible in the aerial photo at the claimed point of diversion is consistent with a spring source.

Place of Use – The ESRI one-foot resolution aerial photo confirms buildings, stock pens, concrete structures that appear to be troughs or feed bunks, a pond, and green vegetation at the claimed place of use. While no livestock are visible in the aerial photo, the stock pens appear to have been in use as there is little or no vegetation growing within the stock pens. The various structures and features are within the NESW and NWSE of Section 21, Township 5 North, Range 1 East. The Ada County tax lot data indicate the claimants own the property where the structures and features described above are located. IDWR's Place of Use spatial data layer for the recommendation was updated to include the structures and features shown in the aerial photo.

Purpose of Use and Period of Use – The aerial photo indicates that livestock have been present in the corrals and around the pond. A benchmark on the topographic map within the place of use shows an elevation of 2971 feet. This indicates the area could be used to winter livestock and allow for the year round use of the water.

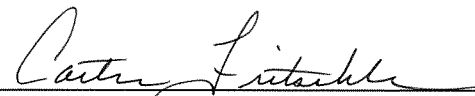
Quantity – No current flow information is available. However, the field examination conducted in 1917 for license 63-2163 stated there were 2 inch diameter pipelines from each of the two springs. The field exam also stated that combined the two pipelines could supply 2 cfs. This is significantly more water than the 0.02 cfs claimed. Therefore, the quantity of water recommended for this claim is the 0.02 cfs that was claimed.

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. 63-34203, which includes the recommendation of deferred de minimis water right no. 63-34203.

Respectfully submitted this 22nd day of June, 2016.



CARTER FRITSCHLE
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on June 23, 2016, 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

America First Federal Credit Union
Represented by:
Scott L. Campbell
101 S Capitol Blvd, 10th Floor
PO Box 829
Boise, ID 83701-0829

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

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

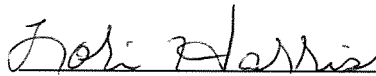
☐ Overnight Mail
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☐ E-Mail

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

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Signature of person delivering form

06/01/2016

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

RIGHT NUMBER: 63-34203

NAME AND ADDRESS: AMERICA FIRST FEDERAL CREDIT UNION
PO BOX 9199
OGDEN UT 84409

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1953

POINT OF

DIVERSION: T05N R01E S21 SENW Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE: STOCKWATER in ADA County

T05N R01E S21

NESW

T05N R01E S21

NWSE

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

Parcel No. S0221140000

Stockwater use is for 500 cattle.