



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • FAX: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 22, 2016

America First Federal Credit Union  
PO Box 9199  
Ogden, UT 84409

RE: Director's Report of Deferred De Minimis Domestic and/or Stock Water Use  
Snake River Basin Adjudication (SRBA)

Dear Claimant:

Please find enclosed the Idaho Department of Water Resources (IDWR) Director's Report of Deferred De Minimis Domestic and / or Stock Water Use, which has been filed with the SRBA Court. The Director's Report contains the recommendation of your domestic and stock water use claimed under water right 63-33964. I have also enclosed a Notice of Filing Director's Report of Deferred De Minimis Domestic and / or Stock Water Use (Notice) which contains instructions for reviewing the recommendation and other important information. Most water rights claimed in the SRBA have now been decreed by the SRBA Court.

Please note you have until August 25, 2016, in which to review the recommendation of your water right and to file any objection you may have to the recommendation, should you disagree with it. Information on filing objections is contained in the Notice. If the SRBA Court does not receive any objections to the recommendation of right 63-34203, the right should be partially decreed as recommended in the near future.

SRBA water right decrees play an important part in Idaho water management. I invite you to contact IDWR's regional offices with any questions you have about your water right(s) or this adjudication process. Questions also can be directed to the adjudication staff at 1-800-451-4129.

Sincerely,

Carter Fritschle  
Manager, Adjudication Section

Enclosures

cc: Scott L. Campbell  
Sarah A. McCormack

**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.

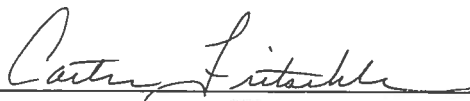
Quantity – No current flow information is available. However, the field examination conducted in 1917 for license 63-2163 stated there were 2 inch diameter pipelines from each of the two springs. The field exam also stated that combined the two pipelines could supply 2 cfs. This is significantly more 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 22<sup>nd</sup> 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, 10<sup>th</sup> 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  
☐ 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



\_\_\_\_\_  
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:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| 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.

**NOTICE OF FILING DIRECTOR'S REPORT  
OF DEFERRED DE MINIMIS DOMESTIC  
AND / OR STOCK WATER USE  
CLAIM NUMBER 63-34203**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report of Deferred De Minimis Domestic and/or Stock Water Use Claim No. 63-34203 (DR). This DR contains the Director's recommendation to the SRBA Court as to how your de minimis domestic and stock water right, claimed under state law, should be decreed in the SRBA if allowed by the District Court.

***Why am I getting this mailing?***

You have received this mailing because you filed a Motion for Determination of Deferred De Minimis Domestic or Stock Water Use with an accompanying Notice of Claim to Water Right in the SRBA. The Director has completed the examination of your claim and has filed his report and recommendation of your claim with the Court. This mailing contains only the Director's recommendation to the SRBA Court of your claim. Your mailing **does not** contain the Director's recommendations of any claims other than your own. A complete copy of this DR is also available at the SRBA courthouse in Twin Falls and at the locations listed at the end of this notice. Copies of the DR can be made but you may be charged for copying and mailing. The DR can also be accessed through the SRBA Court's internet web site at <http://www.srba.idaho.gov> or IDWR's web site at <http://www.idwr.idaho.gov>. A map of reporting areas, as well as other information pertaining to the SRBA, can be accessed on IDWR's web site as well.

A Final Unified Decree was issued in the SRBA on August 26, 2014. Any future reporting of water rights, which were before the SRBA Court prior to the entry of the Final Unified Decree, or deferred de minimis domestic and / or stock water claims proceeding under the SRBA Court's *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* of June 28, 2012, will be through individual reports or reports on small groups of rights. You will not receive notice of these future reports as they are filed with the SRBA Court unless you have an ownership interest in the water right claim that is being reported. Therefore, if you are interested in the status of water rights belonging to other people that have not yet been recommended by IDWR, you should periodically review the Court's docket sheet or check the status of the water right on the Court's internet web page located at: <http://www.srba.idaho.gov>. Information about subscribing to the Court's docket sheet is provided on page three of this notice.

**INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT**

The description of your right, which is enclosed in the DR, is only the Director's *recommendation* to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

## INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

### *What do I do if I disagree with the recommendation?*

If you disagree with any element of the recommendation of the water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA web site at: <http://www.srba.idaho.gov>.

Your objection must be **received** by the SRBA Court on or before **August 25, 2016**. A copy of the objection must be mailed to the Director of IDWR. Should anyone else object to the recommendation of this right, the objector should mail a copy of their objection to the claimant of the right and to the Director of IDWR.

### *What do I do if someone else objects to my water right recommendation?*

If someone files an objection to your water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA web site at: <http://www.srba.idaho.gov>.

Your response must be **received** by the SRBA Court on or before **October 25, 2016**. A copy of the response must be mailed to the Director of IDWR and the objector to the water right.

### *What happens if there are no objections to my water right?*

Should the deadline for filing objections and responses to your water right pass--with no objections or responses filed--the SRBA Court will hear the uncontested recommendation on **Tuesday, November 15, 2016, at 1:30 p.m. (Mountain Time)** at the SRBA courthouse. A partial decree will be issued following this hearing.

### *How will I know about the proceedings on my water right recommendation if objections are filed?*

A notice will be mailed to you for court dates on your water right. Any other objectors or respondents to your water right will also receive notice of those court dates.

Additional information regarding water right claims can be found on the SRBA Court's web site at: <http://www.srba.idaho.gov>.

**Note:** The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed, as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA web site at: <http://www.srba.idaho.gov>.

## **IMPORTANT INFORMATION REGARDING GENERAL PROVISIONS**

General provisions are those parts of the SRBA Court's decree that apply to all the water rights in a basin, or to classes of similarly situated water rights within a basin. All general provisions recommended in the SRBA are now decreed. You may obtain a copy of the general provisions for your basin from the SRBA District Court in Twin Falls or at the courthouse location nearest to your basin. You may be charged for copying and mailing. You may also view the general provisions for every basin within the SRBA by going to IDWR's website at: <http://www.idwr.idaho.gov>.

## **CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE**

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

## **ADDITIONAL INFORMATION**

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Regional office nearest to the location of your water right. You are also welcome to call IDWR at any of its offices or its adjudication hotline at 1-800-451-4129. You may contact the SRBA Court, or you may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication  
District Court**  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707  
(208) 736-3011  
<http://www.srba.idaho.gov>

**Idaho Department of Water Resources**  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098  
(208) 287-4809  
(800) 451-4129  
<http://www.idwr.idaho.gov>

**Idaho Department of Water Resources  
Western Region**  
2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

**Idaho Department of Water Resources  
Northern Region**  
7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815  
(208) 762-2800

**Idaho Department of Water Resources  
Southern Region**  
650 Addison Avenue West, Suite 500  
Twin Falls, Idaho 83301-3380  
(208) 736-3033

**Idaho Department of Water Resources  
Eastern Region**  
900 North Skyline, Suite A  
Idaho Falls, Idaho 83402  
(208) 525-7161

## DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

**RIGHT NUMBER:** Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29, 43, or 72.

**NAME AND ADDRESS:** Your name and address should appear here. IDWR will use the most recent name and address in its records for the water right.

**SOURCE:** The name and/or type of the source where you divert your water. For example: "ground water," "spring," or "Common Creek."

**QUANTITY:** The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

**PRIORITY DATE:** The date used to determine the priority of your right in relation to other rights using water from the same source.

**POINT OF DIVERSION:** The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

**PURPOSE OF USE:** The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, or stock watering.

**PERIOD OF USE:** The period of time during the year when you can use the water for your right.

**PLACE OF USE:** The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

**PLACE OF USE FOR IRRIGATION PROJECTS:** Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h). IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (<http://www.idwr.idaho.gov>). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

**BASIS OF CLAIM:** The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, or permit.

IDWR does not investigate or make recommendations regarding federal law based claims.