

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

Claim No. 63-34338

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 9, 2017

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) and Notice of Claim to a Water Right were submitted to the Court on February 7, 2017, under water right claim no. 63-34338. The claimant, James W. Otradosky, 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 no. 63-34338 are discussed below.

DISCUSSION

Priority Date – The claimant did not submit documents with the Notice of Claim 63-34338 to support the priority date claimed. However, the Google Earth imagery of the claimed place of use (T05N, R05W, S36, SWSE) for the years 1992, 2002, 2005, 2010, and 2015 depicts trails leading to the Dixie Slough through gates from the fields (possibly pasture) on the north side of the slough. These trails are consistent with the trails typically created by livestock when repetitiously walking from one location to another over a period of time. The land on the north side of the Dixie Slough along the claimed reach is owned by the claimant. Similar “livestock trails” leading to the Dixie Slough from the land on the south side of the Dixie Slough are evident in the 2010 and 2015 Google Earth images. The land on the south side of the Dixie Slough is also owned by the claimant. Therefore, the claimed priority date of March 27, 1997

can be recommended without additional documentation.

Points of Diversion – The claimed point of diversion for 63-34338 is in T05N, R05W, S36, SWSE. The description of the diversion works on the claim is entered as “instream stockwater.” The reach of the claimed source (Dixie Slough) flowing through the claimed place of use is approximately 1,500 feet long. Therefore, the recommendation includes both a beginning point of diversion for instream stockwater and an ending point of diversion for instream stockwater, within T05N, R05W, S36, SWSE.

Source – The U.S.G.S. topographic map identifies the water course flowing through the claimed place of use as the Dixie Slough. Because the Dixie Slough contains a significant amount of waste water, a condition is included in the recommendation that is typical of the conditions that were included in the water rights that were decreed in the SRBA with the Dixie Slough as the source.

Place of Use – As noted in the discussion of the priority date, the reviewed Google Earth imagery provides evidence of livestock within the claimed place of use. Therefore, the place of use is recommended in T05N, R05W, S36, SWSE as claimed.

Purpose of Use and Period of Use – The Google Earth imagery indicates that livestock have been present on the claimed place of use. The claimed place of use is in an area that could be used by livestock year round. Therefore, the claimed period of use from 1/1 to 12/31 is recommended.

Quantity – The “standard” diversion rate recommended for claims for watering stock directly from a stream is 0.02 cfs. This rate is consistent with the findings in SRBA Basin-Wide Issue 12. The claimed diversion rate is 0.02 cfs, and the diversion rate is recommended as

claimed.

CONCLUSION

There is sufficient evidence to recommend claim 63-34338 for the instream watering of livestock from the Dixie Slough.

Pursuant to Judge Wildman's *Order 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 and / or Stock Water Use, Claim No. 63-34338, which includes a recommendation of deferred de minimis water right no. 63-34338.

Respectfully submitted this 9th day of June, 2017.

For Carter Fritschle
CARTER FRITSCHLE
Manager, Adjudication Section

05/04/2017

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

RIGHT NUMBER: 63-34338

NAME AND ADDRESS: JAMES OTRADOSKY
652 N MORNINGSIDE WAY
BOISE ID 83712

SOURCE: DIXIE SLOUGH TRIBUTARY: BOISE RIVER

The source of this water right may include waste water. Any waste water remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 03/27/1997

POINT OF
DIVERSION: T05N R05W S36 SWSE Begin of Stream Flow Within CANYON County
T05N R05W S36 SWSE End of Stream Flow Within CANYON 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
Stockwater use is for the in-stream watering of livestock.		

PLACE OF USE: STOCKWATER in CANYON County
T05N R05W S36 SWSE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R3922000000

Stockwater use is for 100 cattle.

CERTIFICATE OF SERVICE

I certify that on June 9th, 2017, 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

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2. Copies to:

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

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United States Department of Justice
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Signature of person delivering form