

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

Claim No. 86-12042

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

July 18, 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), as well as a Notice of Claim to Water Right, was submitted to the Court on April 25, 2017, under water right claim no. 86-12042. The claimants, Arthur D. Smith and Toni F. Smith, 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 86-12042 are discussed below.

DISCUSSION

Priority Date – The priority date claimed was December 31, 1916. No well driller's report was available to confirm a well had been drilled, but the Latah County property records indicate the home on the parcel claimed as the place of use was built in 1916. Therefore, the claimed priority date of December 31, 1916, was recommended.

Point of Diversion – The location of the well in relationship to the home on the property was described by the claimant in a telephone conversation. Aerial photos were used to confirm the point of diversion is in T40N, R02W, S07, SWNE, as claimed.

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

Place of Use – The various aerial photos examined confirm structures and corrals are located in T40N, R02W, S07, SWNE as claimed. No overlapping water rights were found, but a

pond with a surface area of approximately 0.4 acres could be used as an additional source of water for livestock at the claimed place of use.

Purpose of Use and Period of Use – The aerial photos provide evidence of both domestic and stockwater use at the claimed place of use. Water diverted from wells used for domestic and stockwater purposes are recommended for year-round use if a year-round water use was claimed.

Quantity – No measurement information was available. However, the 0.03 cfs claimed for the domestic use and the 0.01 cfs claimed for the stockwater use, with a total quantity claimed of 0.04 cfs, are within the typical range of diversion rates associated with private wells used for domestic purposes at one home.

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 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. 86-12042, which includes the recommendation of deferred de minimis water right no. 86-12042.

Respectfully submitted this 18th day of July, 2017.



CARTER FRITSCHLE
Manager, Adjudication Section

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

RIGHT NUMBER: 86-12042

NAME AND ADDRESS: ARTHUR D SMITH
PO BOX 225
DEARY ID 83823

TONI F SMITH
PO BOX 225
DEARY ID 83823

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: 12/31/1916

POINT OF
DIVERSION: T40N R02W S7 SWNE Within LATAH County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS
STOCKWATER	01/01 12/31	0.010 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in LATAH County

T40N R02W S07 SWNE

STOCKWATER same as DOMESTIC

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. RP40N02W071047

Stockwater use is for 3 cows and 3 horses.

CERTIFICATE OF SERVICE

I certify that on July 19, 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

☐ 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

Latah County Courthouse
PO Box 8068
Moscow, ID 83843

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

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

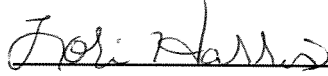
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

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

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

Arthur D. Smith
Toni F. Smith
PO Box 225
Deary, ID 83823

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



Signature of person delivering form