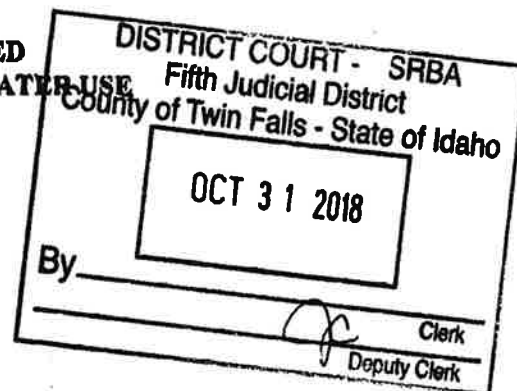


**DIRECTOR'S REPORT OF DEFERRED
DE MINIMIS DOMESTIC AND/OR STOCK WATER USE**

Claim No. 86-12052



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
Craig Saxton, Analyst 3**

October 30, 2018

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, were submitted to the Court on May 25, 2018, under water right claim no. 86-12052. The claimants, Michael and Brenda Halen, published notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Craig Saxton, Analyst 3, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim 86-12052 are discussed below.

DISCUSSION

Priority Date – The claimed priority date of May 4, 1994, is based on a well examination and pump test report submitted with the claim. The work order submitted with the well examination report describes the location of the well as the west side of Big Bear Ridge Road, which is consistent with the claimants' address of 1369 Big Bear Ridge Road. Therefore, the claimed priority date of May 4, 1994, was recommended. The basis of claim is beneficial use.

Point of Diversion – The claimants submitted an aerial photo of their property, parcel no. RP39N02W171905, and marked the well location on the photo.

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

Place of Use – Google Earth imagery of the claimed place of use dated August 5, 2011, confirms existence of three large domestic structures. A stockwater tank can be seen within the claimants' fenced property. While no livestock are visible in that particular aerial photo, there is

evidence of stockwater use. There is little or no vegetation growing around the stock tank and in the immediate area around the barn. Latah County tax lot data indicates the claimants own the property where the structures and stock tank are located.

Purpose of Use and Period of Use – Aerial photography provides evidence of both domestic and stockwater use at the claimed place of use. The stock pasture is within 200 feet of the home. There is no indication that stock would not winter next to the home site. Year-round use of the water for both domestic and stockwater uses is therefore appropriate.

Quantity – The pump test conducted on May 4, 1994, measured discharge of greater than 10 gallons per minute. The claimed .05 cfs is consistent with the theoretical capacity of the installed water system and is within the typical range of diversion rates associated with private wells used for domestic purposes in one home and small stockwater uses. The total combined diversion rate is limited to the claimed .05 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim 86-12052 for domestic and stock water use.

Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use for Claim No. 86-12052, which includes the recommendation of deferred *de minimis* water right no. 86-12052.

Respectfully submitted this 30th day of October, 2018.



CARTER FRITSCHLE
Manager, Adjudication Section

09/04/2018

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

RIGHT NUMBER: 86-12052

NAME AND ADDRESS: MICHAEL A HALEN
1369 BIG BEAR RIDGE RD
KENDRICK ID 83537-9744BRENDA HALEN
1369 BIG BEAR RIDGE RD
KENDRICK ID 83537-9744

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS

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

PRIORITY DATE: 05/04/1994

POINT OF DIVERSION:

T39N R02W S17 SENE 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	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in LATAH County

T39N R02W S17 SENE

STOCKWATER same as DOMESTIC

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. RP39N02W171905

CERTIFICATE OF SERVICE

I certify that on OCTOBER 31, 2018, 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
☒ FAX

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

Michael and Brenda Halen
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Kendrick, ID 83537

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☐ Hand-Delivered
☐ E-Mail

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☒ Regular Mail
☐ Hand-Delivered
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S Cooley-Denney
Signature of person delivering form