

LAWRENCE G. WASDEN
Attorney General
State of Idaho

DARRELL G. EARLY
Chief, Natural Resources Division

ANDREA L. COURTNEY
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 287-4812
Fax: (208) 287-6700
Idaho State Bar # 7705
Attorney for IDWR

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	
	)	
Case No. 39576	)	AFFIDAVIT OF SERVICE: DIRECTOR'S
	)	REPORT OF DEFERRED <i>DE MINIMIS</i>
	)	DOMESTIC AND/OR STOCK WATER
	)	USE
	)	CLAIM NO. 86-12052
_____	)	

STATE OF IDAHO)
) ss.
County of Ada)

I, Carter Fritschle, being first duly sworn on oath, depose and state as follows:

1. I am the Manager, Adjudication Section, for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

2. A Notice of Filing Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, Claim Number 86-12052 (Notice), a copy of which is attached as Exhibit 1, was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court. In this affidavit I will refer to this document as the "Notice."

3. The Notice and the Director's Report, which contained the individual recommendation for the claimants' water right, were served on the claimants, Michael and Brenda Halen, 1369 Big Bear Ridge Road, Kendrick, ID 83537, by deposit into the U.S. Mail before 5:00 p.m. on October 31, 2018.

4. The Notice and the Director's Report were mailed to the Office of the Attorney General for the State of Idaho, P.O. Box 83720, Boise, ID 83720-0010, by deposit into the U.S. mail before 5:00 p.m. on October 31, 2018.

5. The Notice and the Director's Report were mailed to the United States Attorney for the District of Idaho at the U.S. Attorney's Office, 800 Park Blvd., Ste. 600, Boise, ID 83712, by deposit into the U.S. mail before 5:00 p.m. on October 31, 2018.

6. The Notice and the Director's Report were mailed to the U.S. Department of Justice, Environment & Natural Resources Division, 550 West Fort Street, MSC Box 033, Boise, ID 83724, by deposit into the U.S. Mail before 5:00 p.m. on October 31, 2018.

7. The Notice and the Director's Report were mailed to the United States Attorney General at the U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001, by deposit into the U.S. mail before 5:00 p.m. on October 31, 2018.

8. The Notice and the Director's Report were mailed to the Latah County Courthouse, PO Box 8068, Moscow, ID 83843, by deposit into the U.S. Mail before 5:00 p.m. on October 31, 2018.

9. The Notice and the Director's Report were e-mailed to IDWR's Salmon Field Office and Eastern, Western, Northern, and Southern Regional Offices on October 31, 2018.

DATED this 27th day of November, 2018.

Carter Fritschle

CARTER FRITSCHLE
Manager, Adjudication Section
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 27th day of November, 2018.

Lori Harris

NOTARY PUBLIC FOR IDAHO

Residing at: Boise Idaho

My commission expires: 12-12-24



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of November, 2018, I served a true and correct copy of this affidavit of service by the following method to:

U.S. Department of Justice
Environment and Nat'l Resources Division
550 West Fort Street Box 033
Boise, ID 83724

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

Chief, Nat'l Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

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


Signature of person or attorney mailing the form

**NOTICE OF FILING DIRECTOR'S REPORT
OF DEFERRED *DE MINIMIS* DOMESTIC
AND / OR STOCK WATER USE
CLAIM NUMBER 86-12052**

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. 86-12052 (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 website at <http://www.srba.idaho.gov> or IDWR's website 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 website 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 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 **December 31, 2018**. 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>.

Responses must be **received** by the SRBA Court on or before **March 1, 2019**. 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, April 16, 2019, 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 right.

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) 287-4800
(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
Southern Region

650 Addison Avenue West, Suite 500
Twin Falls, Idaho 83301-3380
(208) 736-3033

Salmon Field Office

102 South Warpath
Salmon, ID 83467-4435
(208) 742-0658

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
Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402
(208) 525-7161

Latah County Courthouse

PO Box 8068
Moscow, ID 83843

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: "*groundwater*," "*unnamed 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.