

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

Claim No. 78-12505

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

November / , 2019

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 December 24, 2018, under water right claim no. 78-12505. The claimant, Kerry Brennan, published notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Sandra Thiel, Water Right Agent, Senior, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim 78-12505 are discussed below.

DISCUSSION

Priority Date – Kerry N. Brennan filed claim no. 78-12505 for domestic use at a small campground. The claimed priority date is November 12, 1993. The claim included a well driller's report in the name of Bob and Bonnie Lym and a warranty deed showing conveyance of the claimed place of use from Robert L. and Bonnie Lym to Kerry Brennan.

According to the well driller's report the well was completed on November 12, 1993. The Idaho County parcel data lists the year the home was built at the claimed place of use as 1994. Therefore, the priority date is recommended as claimed.

Point of Diversion – The claimed point of diversion is located on Idaho County parcel RP24N01E223921. As filed, the claim incorrectly identified the quarter-quarter for the point of diversion as the NWNW of Section 22, Township 24 North, Range 01 East. This is the quarter-

quarter given on the well driller's report. Claim 78-12505 shares a point of diversion with claim 78-12504. Claim 78-12504 included GPS coordinates for the well. The GPS coordinates place the well within the SWNW of Section 22, Township 24 North, Range 01 East. The recommendation will correct the quarter-quarter for the point of diversion to the SWNW.

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

Place of Use – The claimed place of use is at 7488 Highway 95 South, Riggins Idaho. The parcel number of the claimed place of use is RP24N01E223921. This parcel is located in Township 24 North, Range 01 East, Section 22, SWNW, and Section 21, SENE. According to the Idaho County property records the claimant owns the place of use.

The claim identified the place of use as NWNW, Section 22, Township 24 North, Range 1 East and the NE quarter of Section 21. The claim includes a map showing the place of use and a warranty deed showing the place of use in the Section 22, SWNW and Section 21, SENE.

Purpose of Use and Period of Use – The extent of the water use can be described as *de minimis* domestic use. Water used for domestic purposes is generally recommended for year-round use if year-round use is claimed.

Quantity – The claimed diversion rate of 0.04 cubic feet per second (cfs) is typical of what IDWR can recommend for *de minimis* domestic use. A pump test conducted when the well was drilled showed that the well produced 140 gallons per minute (gpm) or 0.31 cubic feet per second. IDWR cannot confirm the well does produce 140 gpm, but the pump test shows the well has the capacity to supply the claimed diversion rate of 0.04 cfs.

The claim indicates that the use is for a small campground with four hydrants and a tackle shop. The recommendation will be for 2,500 gallons per day based on Idaho Code § 42-111(b).

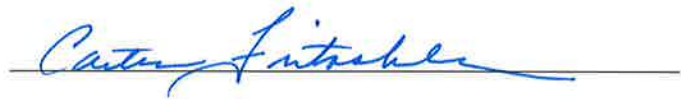
IDWR has included the appropriate standard conditions to the recommendation identifying the well is shared with claim 78-12504.

CONCLUSION

There is sufficient evidence to recommend water right claim 78-12505 with corrections to the point of diversion and the place of 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. 78-12505, which includes the recommendation of deferred *de minimis* water right no. 78-12505.

Respectfully submitted this 1st day of November, 2019.



CARTER FRITSCHLE
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on November 4, 2019, 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:

Kerry Brennan
PO Box 251
Riggins, ID 83549

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

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

Idaho County Courthouse
320 W. Main
Grangeville, ID 83530

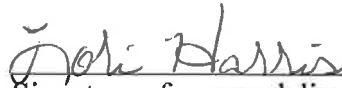
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

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

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Signature of person delivering form

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

RIGHT NUMBER: 78-12505

NAME AND ADDRESS: KERRY BRENNAN
PO BOX 251
RIGGINS ID 83549

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 11/12/1993

POINT OF DIVERSION: T24N R01E S22 SWNW Within IDAHO 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

Domestic use is for a tackle shop and small campground.

PLACE OF USE:

<u>DOMESTIC in IDAHO County</u>			
T24N R01E S21	SENE	T24N R01E S22	SWNW

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. Idaho Code § 42-1412(6).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 78-12504 is also diverted through the point of diversion described above.

Parcel No. RP24N01E223921.