

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 20 2020	
By _____	Clerk
_____	Deputy Clerk

**DIRECTOR'S REPORT OF DEFERRED
DE MINIMIS STOCK WATER USE**

Claim No. 67-15310

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 L. Saxton, Manager, Adjudication Section

March 18, 2020

DESCRIPTIVE SUMMARY

This is a Director's Report of Deferred *De Minimis* Stock Water Use submitted by the Director of the Idaho Department of Water Resources (IDWR).

INTRODUCTION

A Motion for Determination of Deferred *De Minimis* Stock Water Use (Motion) and Notice of Claim to Water Right for water right claim no. 67-15310 were submitted to the Court on October 25, 2018. IDWR published a notice of the pendency and purpose of the Motion. *See Affidavit of Publication*, filed simultaneously herewith. The Director has now completed his examination of the claim. The examination for the above-mentioned water right claim was conducted by Sandy Thiel, Senior Water Resource Agent, on behalf of the Director. The materials used in and results of the examination of the elements of the claim are discussed below.

DISCUSSION

Priority Date

Jim Eckhardt filed claim no. 67-15310 on behalf of the Eckhardt Family LLLP, for the instream stockwater use of 260 head of range cattle. The claimed priority date of October 22, 1920, is supported by land patent #778757 issued to Edwin Hilliard¹. The township, range, section and 40 acre tracts listed in the patents include the Washington County parcels described in the claimed place of use. The priority date is recommended as claimed.

¹ Land Patent #778757 was established under the Homestead Act of 1862. To receive a patent, applicants were required to live on the property for 5 years for the purpose of settlement and cultivation. It's reasonable to assume that applicants would have stock that drank from available water sources. IDWR has regularly accepted land patents as evidence of instream or non-diverted stock water use.

Points of Diversion

The claimed points of diversion are in Township 12 North, Range 5 West, Section 7, NESW (beginning point for instream stockwater) and Township 12 North, Range 5 West, Section 18, NWNW (ending point for instream stockwater). The points of diversion were verified by identifying stream locations using USGS Quadrangle maps and are recommended as claimed.

Source

The source for water is an unnamed stream tributary to Jenkins Creek, verified using the USGS quadrangle maps.

Place of Use

The amended claim uses the public land survey to describe the place of use and includes each quarter-quarter or government lot between the beginning and ending points that the unnamed stream passes through.

The parcel numbers of the claimed place of use are RP12N05W180000 and RP12N05W070000. According to the Washington County property records the claimant owns both of the parcels.

Quantity

The quantity claimed in the amended claim is for 0.02 cfs. The typical diversion rate recommended for claims for watering stock directly from a stream is 0.02 cfs. This rate is consistent with diversion rates claimed for *de minimis* instream stockwater use.

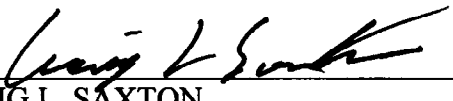
Purpose and Period of Use

The extent of the water use can be described as in-stream *de minimis* stockwater use. Water used for stockwater purposes is typically recommended for year-round use if year-round use is claimed.

CONCLUSION

There is sufficient evidence to recommend claim 67-15310 for the instream watering of livestock from an unnamed stream tributary to Jenkins Creek.

Respectfully submitted this 18th day of March, 2020.



CRAIG L. SAXTON
Manager, Adjudication Section

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

RIGHT NUMBER: 67-15310

NAME AND ADDRESS: ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER ID 83672-5158

SOURCE: UNNAMED STREAM

TRIBUTARY: JENKINS CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 10/22/1920

POINT OF DIVERSION: T12N R05W S7 NESW Begin of Stream Flow Within WASHINGTON County
T12N R05W S18 NWNE End of Stream Flow Within WASHINGTON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in WASHINGTON County

T12N R05W S07

NESW

T12N R05W S07

SESW

T12N R05W S18

NWNE

T12N R05W S18

NENW

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

Parcel Nos. RP12N05W180000 and RP12N05W070000.

Stockwater use is for 260 range cattle.

CERTIFICATE OF SERVICE

I certify that on March 19, 2020, I caused to be served a true and correct copy of this Director's Report of Deferred *De Minimis* Domestic 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:

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United States Department of Justice
Environment & Natural Resources Div.
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