

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. 67-15313

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. 67-15313 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. 67-15313 on behalf of the Eckhardt Family LLLP, for the instream stockwater use of 260 head of range cattle. The claimed priority date of April 20, 1927 is supported by land patent #1000472 issued to E. Viola Montgomery¹. The township, range, section and quarter-quarter listed in the patent include the Washington County parcels described in the claimed place of use. The priority date is recommended as claimed.

¹ Land Patent #1000472 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 6 NESE (beginning point for instream stockwater) and Township 12 North, Range 5 West, Section 5, Lot 4(NWNW) (ending point for instream stockwater). The stream locations were evaluated using USGS quadrangle maps. The claimed ending point of diversion is not on property owned by Eckhart Family Limited Partnership. The beginning point of diversion is recommended as claimed, but the ending point of diversion is recommended in T12 North, Range 05 West, Section 6, NESE.

Source

The source for water is an unnamed stream tributary to Monroe 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 claimed place of use falls within Washington County parcel numbers RP12N05W062400 and RP12N05W050000. According to the Washington County parcel data the Eckhardt Family Limited Partnership owns parcel RP12N05W062400 and the Maddox Bar Ex Ranch Ltd Partnership owns parcel RP12N05W050000. We don't have any evidence that the Eckhardt Family Limited Partnership has authorization to graze cattle on the property owned by Maddox Bar Ex Ranch Ltd Partnership. Parcel RP12N05W050000 is not included in the recommended place of use.

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.

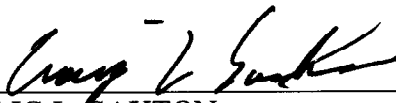
Purpose and Period of Use

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

CONCLUSION

There is sufficient evidence to recommend claim 67-15313 for the instream watering of livestock from an unnamed stream tributary to Monroe 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: 67-15313

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

SOURCE: UNNAMED STREAM

TRIBUTARY: MONROE CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/20/1927

POINT OF DIVERSION: T12N R05W S6 NESE End of Stream Flow Within WASHINGTON County
T12N R05W S6 NESE Begin 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 S06 NESE

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 No. RP12N05W062400.

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
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Twin Falls, ID 83303-2707

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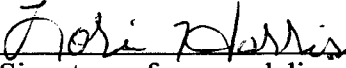
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