

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

Claim No. 63-34828

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, Adjudication Section Manager

July 23, 2020

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 and/or Stock Water Use (Motion), as well as a Notice of Claim to Water Right, was submitted to the Court on December 6, 2019, for water right claim no. 63-34828. Claimants Linda Murray and James C. Murry published the notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Sandra Thiel, Senior Water Rights Agent, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim 63-34828 are discussed below.

DISCUSSION

Priority Date – Linda Murray and James C. Murray (Claimants) filed deferrable claim number 63-34828, and indicated water was being used for both domestic and stockwater purposes. The claimed priority date is June 15, 1976. Documents submitted with the claim include a Water Well Agreement (Agreement) dated June 15, 1976. The Ada County parcel data shows a year build of 1976 for the Claimant's property.

In 1976, Lee Ray Jones and Mary Lee Jones purchased land adjacent to property owned by Timothy J. Hogland and Winifred Hogland, the well owners. The Claimants are the current owners of the Jones' property. The Agreement states that the residence on the Jones' property was supplied with domestic water from the Hoglands well. Under the Agreement the Hoglands agreed to continue to supply domestic water for use by the Lee Ray and Mary Lee Jones. The Agreement further states that it shall apply to and bind the successors and assigns of the respective parties. Based on this Agreement the priority date is recommended as claimed.

Point of Diversion – The claimed point of diversion (POD) falls on Ada County parcel S1221417200. According to the Ada County Assessors Land Records, in 2020, this parcel is owned by

Rosario Place Limited Partnership. With the claim, the claimant provided a map showing the location of the POD. The POD location on the map is consistent with the location description of the well owner's property on the 1976 well agreement.

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

Place of Use – According to the Ada County parcel data the claimed place of use for domestic and stockwater is parcel number R1581200300. The address at 2595 S Black Cat Road, located in Township 3 North, Range 01 West, Section 21, NESE, is owned by the claimant.

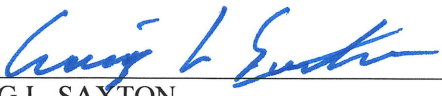
Purpose of Use and Period of Use – The claim is for one home and stockwater for 12 horses and 13 cattle. Domestic structures are visible on available aerial photography and is supported by Ada County parcel information. Water used for domestic and stockwater purposes is generally recommended for year-round use if year-round use is claimed.

Quantity – The claimed diversion rates are 0.04 cubic feet per second (cfs) for domestic and 0.02 cfs for stockwater. The total claimed 0.06 cfs is typical of what IDWR can recommend for *de minimis* domestic and stockwater use.

CONCLUSION

There is sufficient evidence to recommend water right claim 63-34828, as claimed, for domestic and stockwater use. Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, Claim No. 63-34828, which includes the recommendation of deferred *de minimis* water right no. 63-34828.

Respectfully submitted this 23rd day of July, 2020.



CRAIG L. SAXTON
Adjudication Section Manager

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

RIGHT NUMBER: 63-34828

NAME AND ADDRESS: JAMES MURRAY
2595 S BLACK CAT RD
MERIDIAN ID 83642

LINDA MURRAY
2595 S BLACK CAT RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 06/15/1976

POINT OF DIVERSION: T03N R01W S21 NESE Within ADA 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:

STOCKWATER in ADA County
T03N R01W S21 NESE
DOMESTIC in ADA County
T03N R01W S21 NESE

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 13 cattle and 12 horses.

Parcel No. R1581200300 for Place of Use.
Parcel No. S1221417200 for Point of Diversion.

CERTIFICATE OF SERVICE

I certify that on July 24, 2020 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

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Environment & Natural Resources Div.
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Ada County Courthouse
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Boise, ID 83702

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Linda Murray
James Murray
2595 S Black Cat Rd
Meridian, Id 83642

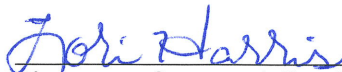
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Signature of person delivering form