

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

Claim No. 85-15817

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

June 7, 2021

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, were submitted to the Court on October 13, 2020, for water right claim no. 85-15817. Claimant Sharon R. Johnston published the notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Craig Saxton, Manager, Adjudication Section, on behalf of the Director.

During the examination, it was discovered that the point of diversion and place of use description weren't consistent with the claim map. Craig Saxton contacted the claimant to resolve the discrepancy and as a result, on June 4, 2021, IDWR received an amended claim for 85-15817. The amendment updated the point of diversion location, place of use location, and diversion rates for domestic and stockwater use.

The materials used in and results of the examination of the elements of water right claim 85-15817 are discussed below.

DISCUSSION

Priority Date –The claimed priority date is April 1, 1979. The claimant stated that one of the two claimed homes was built in 1951 and the other was built in 1979. The claimed priority date is consistent with when the 2nd home was added to the system. This date is supported by aerial photos June 28, 1979, available from the United States Geological Survey (USGS) Earth Explorer website, which show domestic structures consistent with what is identified as the claimed homes on the claim map, as well as the well house. The priority date is recommended as claimed.

Point of Diversion – The claimed point of diversion (POD) falls on Nez Perce County parcel

RP36N03W036000 in Township 36 North, Range 3 West, Section 3, NW¼SW¼, and is consistent with the claim map. According to the Nez Perce County parcel data, Sharon Rose Hoskins Johnson owns the point of diversion. The point of diversion is recommended as claimed.

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

Place of Use – According to the Nez Perce County parcel data the claimed places of use fall on parcel numbers RP36N03W036000 and RP36N03W035106 in Township 36 North, Range 3 West, Section 3, NW¼SW¼ and NE¼SW¼, and is consistent with the claim map. The Nez Perce County parcel data indicates that parcel RP36N03W036000 is owned by “Sharon Rose Hoskins Johnston” and parcel RP36N03W035106 is owned by “Hoskins Clearwater Land & Cattle Co Trust”, to which Sharron Johnston is a trustee. The place of use is recommended as claimed.

Purpose of Use and Period of Use – The claimed purpose of use is domestic use for two homes. The map provided with the claim identifies the two homes and both are visible on available aerial photography. Water diverted from wells used for domestic purposes are recommended for year-round use if a year-round water use was claimed.

Quantity – No measurement information is available. However, the 0.06 claimed for the domestic use is within the typical range of diversion rates associated with private wells used for domestic purposes for two homes. The 0.02 cfs claimed for stockwater use is consistent with typical stockwater diversion rates for 0-50 head of stock. The quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim 85-15817, as claimed, for domestic use for two homes 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. 85-15817, which includes the recommendation of deferred *de minimis* water right no. 85-15817.

IDWR has added the appropriate standard conditions to the recommendation and IDWR's Claim Verification Report has been completed.

Respectfully submitted this 7th day of June, 2021.



CRAIG L. SAXTON
Adjudication Section Manager

CERTIFICATE OF SERVICE

I certify that on June 8, 2021 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

2. Copies to:

Chief, Natural Resources Div.
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered

Nez Perce County Courthouse
PO Box 896
Lewiston, ID 83501

☐ Overnight Mail
☒ Regular Mail
☐ Hand Delivered

Sharon Rose Hoskins Johnston
845 37th Avenue
Forest Grove, OR 97116

☐ Overnight Mail
☒ Regular Mail
☐ Hand Delivered

IDWR Document Repository
PO Box 83720
Boise, ID 83720-0098

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Signature of person delivering form

06/07/2021

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

RIGHT NUMBER: 85-15817

NAME AND ADDRESS: SHARON ROSE HOSKINS JOHNSTON
845 37TH AVE
FOREST GROVE OR 97116

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

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

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION: T36N R03W S3 NWSW Within NEZ PERCE County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.060 CFS
	STOCKWATER	01/01 12/31	0.020 CFS
	Domestic use is for 2 homes.		

PLACE OF USE:

<u>STOCKWATER in NEZ PERCE County</u>			
T36N R03W S03	NESW	T36N R03W S03	NWSW
<u>DOMESTIC in NEZ PERCE County</u>			
T36N R03W S03	NESW	T36N R03W S03	NWSW

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. RP36N03W036000 & RP36N03W035106