

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

Claim No. 86-12078

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

August 30, 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 June 10, 2020, for water right claim no. 86-12078. Claimant Jeremy and Heather Morrow 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, through contact with the claimant, it was discovered that the claimant diverted from two points of diversion. On July 13, 2021, IDWR received an amended claim for 86-12078. The amendment added as second point of diversion and updated the Remarks section of the claim.

The materials used in and results of the examination of the elements of water right claim 86-12078 are discussed below.

DISCUSSION

Priority Date – The claimed priority date is December 31, 1890. The claimed priority date is supported by Latah County parcel records that lists a build date on the property as 1890. The claimant stated on his claim that the original well was hand dug which is consistent with a well of that vintage. The priority date is recommended as claimed.

Point of Diversion – Both of the claimed points of diversion (POD) fall within Latah County parcel RP39N04W103630 in Township 39 North, Range 4 West, Section 10, SW¼NW¼, and is consistent with the claim map. The claimant stated that the original well was dug in 1890 when the home was constructed. A second well was added in 1983 to be used primarily for the internal domestic water

while the use of the 1980 well continued to primarily provide water for the external domestic and stockwater uses. According to the Latah County parcel data, Jeremy Morrow owns the property where the points of diversion are located. 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 Latah County parcel data the claimed place of use falls on parcel RP39N04W103630 in Township 39 North, Range 4 West, Section 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and is consistent with the claim map. The Latah County parcel data indicates that parcel RP39N04W103630 is owned by Jeremy Morrow. The place of use is recommended as claimed.

Purpose of Use and Period of Use – The claimed purposes of use include domestic use for one home and stockwater use for a mixed variety of livestock. Domestic structures are clearly visible on the map provided with the claim as well as on aerial photography available to IDWR. Fenced in areas which include what appear to be stock shelters can be seen in the available aerial photography. There is no indication that stock would not winter next to the home site. Year-round use of the water for both domestic and stockwater uses is therefore appropriate.

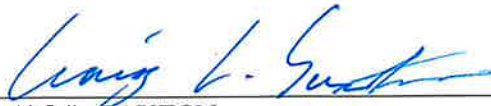
Quantity – No measurement information is available. However, the 0.04 claimed for the domestic use is within the typical range of diversion rates associated with private wells used for domestic purposes for one home. The 0.02 cfs claimed for stockwater use is consistent with typical stockwater diversion rates for 0-50 head of stock. The quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim 86-12078, as claimed, for domestic use for one home 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. 86-12078, which includes the recommendation of deferred *de minimis* water right no. 86-12078.

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

Respectfully submitted this 30th day of August, 2021.



CRAIG L. SAXTON
Adjudication Section Manager

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

RIGHT NUMBER: 86-12078

NAME AND ADDRESS: HEATHER MORROW
1740 WALLEN RD
TROY ID 83871

JEREMY MORROW
1740 WALLEN RD
TROY ID 83871

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 12/31/1890

POINT OF DIVERSION: T39N R04W S10 SWNW Within LATAH County
T39N R04W S10 SWNW Within LATAH 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:

DOMESTIC in LATAH County
T39N R04W S10 SWNW
STOCKWATER in LATAH County
T39N R04W S10 SWNW

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

Parcel No. RP39N04W103630

Stockwater use is for 50 goats, 12 Chickens and 6 pigs.

CERTIFICATE OF SERVICE

I certify that on August 31, 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
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2. Copies to:

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

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

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Latah County Courthouse
PO Box 896
Moscow, ID 83843

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Jeremy and Heather Morrow
1740 Wallen Rd
Troy, ID 83871

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