

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

Claim No. 86-12094

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

September 2, 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 16, 2021, for water right claim no. 86-12094. Claimants Charles & Katherine Whiteley 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.

The materials used in and results of the examination of the elements of water right claim 86-12094 are discussed below.

DISCUSSION

Priority Date – The claimed priority date is June 6, 1978. The claimed priority date is supported by a well driller report in the name of Charles Whiteley listing the well completion date of June 6, 1978. IDWR regularly uses well driller reports to support claimed priority dates for domestic use. The priority date is recommended as claimed.

Point of Diversion – The claimed points of diversion (POD) falls within Latah County parcel RP39N04W032262 in Township 39 North, Range 4 West, Section 3, SE¼NE¼. According to the Latah County parcel data, Charles Whiteley owns the property where the point 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 – The claimed place of use is on parcel RP39N04W032262 in Latah County. Aerial photos provide evidence of domestic use at the claimed place of use. The address at 1040 Dutch Flat Road, located in Township 39 North, Range 4 West, Section 3, SE¼NE¼, is owned by the claimant. The

place of use is recommended as claimed.

Purpose of Use and Period of Use – The claimed purpose of use is for domestic use for one home. Domestic structures 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 0.04 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 quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim 86-12094, as claimed, for domestic use for one home. 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. 86-12094, which includes the recommendation of deferred *de minimis* water right no. 86-12094.

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

Respectfully submitted this 2nd day of September, 2021.


CRAIG L. SAXTON
Adjudication Section Manager

CERTIFICATE OF SERVICE

I certify that on September 3, 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
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Latah County Courthouse
PO Box 896
Moscow, ID 83843

☐ Overnight Mail
☒ Regular Mail
☐ Hand Delivered

Charles and Katherine Whiteley
1040 Dutch Flat Rd
Troy, ID 83871

☐ Overnight Mail
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IDWR Document Repository
PO Box 83720
Boise, ID 83720-0098

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Signature of person delivering form

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

RIGHT NUMBER: 86-12094

NAME AND ADDRESS: CHARLES N WHITELEY
1040 DUTCH FLAT RD
TROY ID 83871-9641

KATHERINE W WHITELEY
1040 DUTCH FLAT RD
TROY ID 83871-9641

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: 06/06/1978

POINT OF DIVERSION: T39N R04W S3 SENE 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
	Domestic use is for 1 home.		

PLACE OF USE:
DOMESTIC in LATAH County
T39N R04W S03 SENE

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. RP39N04W032262