

**DIRECTOR'S REPORT OF DEFERRED  
DE MINIMIS STOCK WATER USE**

**Claim No. 55-13994**

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

September 13<sup>th</sup>, 2021

## **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. 55-13994 were submitted to the Court on September 28, 2020. 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 Craig L. Saxton, Adjudication Section Manager, 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**

Tim Lequerica, President of Lequerica & Sons Inc., filed claim no. 55-13994 on behalf of Lequerica & Sons Inc., for the instream stockwater use. The claimed priority date of November 15, 1920, is supported by land patent #781533 dated November 15, 1920, issued to Lasaro Urquiaga.

Land Patent #781533 was acquired through the 1820 Sale Act which allowed someone to obtain a patent through purchase of land. A patent obtained through the 1820 Sale Act doesn't, in itself, prove evidence that stock were grazing the property when the patent was issued, but the property established under the 1820 Sale Act patents is adjacent to property obtained through the 1916 Stock Raising Homestead Act and it is reasonable to assume that stock also grazed on adjacent properties.

The claimed priority date of November 15, 1920, is consistent with the issued date of the patent #781533 covering the claimed place of use. The priority date is recommended as claimed.

### **Points of Diversion**

The claimed points of diversion are in Township 8S, Range 5W, Sections 9, representing beginning points and ending points for instream stockwater. The claimed points of diversion were verified by identifying stream locations using USGS Quadrangle maps. The points of diversion are recommended as claimed.

### **Source**

The recommended source of water is Unnamed Stream tributary to Juniper Creek and can be verified using the USGS quadrangle maps.

### **Place of Use**

The 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 is entirely within Owyhee County parcel number RP08S05W090600. According to the Owyhee County property records Lequerica & Sons Inc. owns the parcel.

### **Quantity**

The quantity claimed 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 55-13994 for the instream watering of livestock from Unnamed Stream tributary to Juniper Creek.

Respectfully submitted this 13<sup>th</sup> day of September, 2021.

A handwritten signature in blue ink, reading "Craig L. Saxton", is positioned above a horizontal line.

CRAIG L. SAXTON  
Manager, Adjudication Section

## CERTIFICATE OF SERVICE

I certify that on September 13, 2021, 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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