

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

**Claim No. 55-14003**

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. 55-14003 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. 55-14003 on behalf of Lequerica & Sons Inc., for the instream stockwater use. The claimed priority date of December 27, 1912, is supported by land patent #306747<sup>1</sup> and #ID0530.026 issued to George Nichols which includes all the claimed place of use.

The claimed priority date of December 27, 1912, is consistent with the issued date of the more junior of the patents covering the claimed place of use. The priority date is recommended as claimed.

### **Points of Diversion**

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<sup>1</sup> Land Patents #306747 and ID0530.026 were established under the Homestead Act of 1862. To receive a patent, applicants were required to live on the property for 5 years for the purpose of settlement and cultivation. It's reasonable to assume that applicants would have stock that drank from available water sources. IDWR has regularly accepted land patents as evidence of instream or non-diverted stock water use.

The claimed points of diversion are in Township 5S, Range 5W, Section 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , representing beginning point of diversion and Township 5S, Range 5W, Section 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , representing the ending point 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 an unnamed stream tributary to Trout Creek and can be verified using the USGS quadrangle maps.

### **Place of Use**

The claimed place of use is within Township 5S, Range 5W, Section 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  and includes the quarter-quarters containing the stretch of stream between the beginning and ending points the unnamed stream that passes through.

The claimed place of use is entirely within Owyhee County parcel number RP05S05W041200. According to the Owyhee County property records Lequerica & Sons Inc. own the parcels.

### **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 55-14003 for the instream watering of livestock from an unnamed stream tributary Trout 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  
P.O. Box 2707  
Twin Falls, ID 83303-2707

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55-14003