DIRECTOR'S REPORT OF DEFERRED DE MINIMIS STOCK WATER USE

Claim No. 55-14005

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 13th, 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. 55-14005 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. 55-14005 on behalf of Lequerica & Sons Inc., for the instream stockwater use. The claimed priority date of May 15, 1919, is supported by land patent #677819[1] issued to Antonio Azcuenaga and Charles H. James which includes all the claimed place of use. The priority date is recommended as claimed.

Points of Diversion

The claimed points of diversion are in Township 5S, Range 5W, Section 9, NE¼SW¼, 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

[1] Land Patent #677819 was 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.

points of diversion are recommended as claimed.

Source

The recommended source of water is West Fork Trout Creek 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 9, NE¼SW¼, and includes the quarter-quarter 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 RP05S05W094800. 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 55-14005 for the instream watering of livestock from West Fork Trout Creek tributary Trout Creek.

Respectfully submitted this 13th day of September, 2021.

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	__ Overnight Mail X Regular Mail __ Hand-Delivered __ E-mail

2. Copies to:

Chief, Natural Resources Div. Office of the Attorney General P.O. Box 83720 Boise, ID 83720-0010	__ Overnight Mail X Regular Mail __ Hand-Delivered __ E-mail
United States Department of Justice Environment & Natural Resources Div. 550 W. Fort Street MSC 033 Boise, ID 83724	__ Overnight Mail X Regular Mail __ Hand-Delivered __ E-mail
Owyhee County Courthouse 20381 State Hwy 78 Murphy, ID 83650	__ Overnight Mail X Regular Mail __ Hand-Delivered __ E-mail
Lequerica & Sons Inc. 3910 S Sumter way Boise ID 83709-3745	__ Overnight Mail X Regular Mail __ Hand-Delivered __ E-mail
IDWR Document Repository PO Box 83720 Boise, ID 83720-0098	__ Overnight Mail __ Regular Mail X Hand-Delivered

Tori Harris
Signature of person delivering form

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

RIGHT NUMBER: 55-14005

NAME AND ADDRESS: LEQUERICA & SONS INC
3910 S SUMTER WAY
BOISE ID 83709-3745

SOURCE: WEST FORK TROUT CREEK TRIBUTARY: TROUT CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 05/15/1919

POINT OF DIVERSION: T05S R05W S9 NESW Begin of Stream Flow Within OWYHEE County
T05S R05W S9 NESW End of Stream Flow Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in OWYHEE County
T05S R05W S09 NESW

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 No. RP05S05W094800