

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

Claim Nos.

67-15263, 67-15264, 67-15265, 67-15266, 67-15267, 67-15268, 67-15269, 67-15270,
67-15272, 67-15273, 67-15274, 67-15275, 67-15276, 67-15277, 67-15278.

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 17, 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, was submitted to the Court on July 23, 2020, for water right claim nos. 67-15263, 67-15264, 67-15265, 67-15266, 67-15267, 67-15268, 67-15269, 67-15270, 67-15272, 67-15273, 67-15274, 67-15275, 67-15276, 67-15277, and 67-15278. The examination was conducted by Craig L. Saxton, Manager, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claims are discussed below.

DISCUSSION

Priority Date

1. General overview of priority date considerations for stockwater claims on federal land

The Idaho Supreme Court in *Joyce Livestock Co. v. United States of America*, 144 Idaho 1 (2007) made clear ranchers could establish beneficial use instream water rights on federal land for watering their livestock if the ranchers held a valid grazing permit for grazing livestock on the federal land. The Court also determined that these instream water rights so acquired by ranchers were appurtenant to the ranchers' patented or base property. *Joyce Livestock*, 144 Idaho at 12. The Court remanded for redetermination of the priority date of the water rights because the ranchers claimed priority dates that predated their grazing authorization from the Bureau of Land Management (BLM). *Id.* at 16. The Court noted a BLM Class 1 grazing license could only be issued to a rancher if the rancher had been grazing livestock on the public range for at least

five years prior to the enactment of the Taylor Grazing Act in 1934. *Id.* The court held that instream stockwater rights based on BLM Class 1 grazing permits pass with the land as a matter of law, unless the water right is expressly reserved. *Id.* at 14.

Following the remand of *Joyce Livestock Co.* and companion case *LU Ranching Co. v. United States*, 144 Idaho 89 (2007), the SRBA district court determined the priority dates for LU Ranching Co.'s 15 water rights based on applications for grazing permits filed by LU Ranching Co.'s predecessors. *See Memorandum Decision on Remand and Order of Amended Partial Decrees* (SRBA Subcase no. 55-10288B, et al.) (July 3, 2008). Because instream stockwater rights based on Class 1 grazing permits pass with the land as a matter of law, Judge Melanson held that a court determining the priority date of an instream stockwater right under Class 1 licenses "need only look at the earliest date that a water right can be established that is associated with a particular parcel of homestead or base ranch property." *Id.* at 4-5. Recognizing a Class 1 grazing license required grazing that predated the grazing permit application, the court held that a Class 1 grazing license in conjunction with representations of earlier water use made by the claimant is sufficient evidence to establish priority dates predating the Taylor Grazing Act for LU Ranching Co.'s water rights on the federal land. *See Id.* at 7.

Effective July 1, 2021, the Idaho Legislature passed House Bill No. 186 which modified Section 42-1411, Idaho Code, to instruct the Director of the Idaho Department of Water Resources to accept the date of the first grazing permit issued on the federal grazing allotment to establish the date of priority and that there shall be a rebuttable presumption that the claimant's base property relates back to the base property when the first grazing permit was issued on the federal grazing land or when water was first applied to beneficial use on the federal land.

Therefore, for beneficial use instream stockwater claims on federal land, IDWR reviews information about the earliest available grazing permit applicable to the federal grazing allotment

which the claimant has authorization to graze stock.

2. Hood's claimed priority date

The priority date on all the claims is December 28, 1896. This date is derived from the base property's Homestead Certificate #2762 and Land Patent #222034. On May 26, 1908, the United States granted David G. Edwards a portion of what is now the claimed base property. On July 27, 1935, Charles R. Edwards submitted an Application for Grazing to the U.S. Department of the Interior. Mr. Edwards states on the application that he has previously used the lands for grazing for the past 40 years indicating that stock had been on the property since the claimed priority date. Additionally Charles' father David G. Edwards received Homestead Certificate #2762 on May 26, 1908 granting him a portion of the current based property.

A Class 1 License for 250 cattle dated October 27 1936, was issued to Charles R Edwards & Son for grazing 250 cattle on public lands. The Hoods have a grazing permit for Horse Flat issued March 14, 2013. The grazing permit documentation includes a deed dated August 28, 2021, that grants ownership of Charles Edwards' base property to the Hoods.

Point of Diversion

The above listed claims filed by Keith R. and Karen Hood for use of water within the Horse Flat Allotment overlap existing water rights decreed to the BLM in the Snake River Basin Adjudication (SRBA). In most cases the claims filed by the Hoods have points of diversion that correspond to points of diversion of the BLM water rights. However, in some cases, multiple claims have been filed to represent the water use described in a single BLM water right. In addition, due to the availability of more accurate mapping tools, points of diversion describing beginning or ending stream points for some of the Hoods recommendations may differ from the point of diversion descriptions on the water rights they are intending to overlap. The differences

might include describing a point of diversion location in a different legal description than what is authorized in the overlapping BLM right, or it might include adding or removing a point of diversion.

Hood Water Right Numbers	BLM Water Right Numbers
67-15263	67-12591
67-15264	67-12592
67-15265	67-12592
67-15266	67-12593
67-15267	67-12595
67-15268	67-12609
67-15269	67-12610
67-15270	67-12611
67-15272	67-12614
67-15273	67-12616
67-15274	67-12616
67-15275	67-12618
67-15276	67-12618
67-15277	67-12618
67-15278	67-13226

Source

IDWR verified the claimed sources on a topographic map and recommends all of the claims with the same source as decreed for the overlapping BLM water rights consistent with the USGS topographic map.

Hood Water Right Numbers	BLM Water Right Numbers	Source	Tributary
67-15263	67-12591	Unnamed Stream	Beaver Creek
67-15264	67-12592	Unnamed Stream	Beaver Creek
67-15265	67-12592	Unnamed Stream	Beaver Creek
67-15266	67-12593	Spring Creek	Camp Creek
67-15267	67-12595	Unnamed Stream	Beaver Creek
67-15268	67-12609	Camp Creek	Weiser River
67-15269	67-12610	Camp Creek	Weiser River
67-15270	67-12611	Camp Creek	Weiser River
67-15272	67-12614	Unnamed Stream	Spring Creek

67-15273	67-12616	Unnamed Stream	Spring Creek
67-15274	67-12616	Unnamed Stream	Spring Creek
67-15275	67-12618	Unnamed Stream	Rush Creek
67-15276	67-12618	Unnamed Stream	Rush Creek
67-15277	67-12618	Unnamed Stream	Rush Creek
67-15278	67-13226	Unnamed Stream	Spring Creek

Place of Use

The claimed beneficial use of the water occurs within the BLM's Horse Flat Allotment. The base property for this allotment is land owned by Karen and Keith Hood in Township 15 North, Range 3 West, Section 21, SWSW; Section 29, NENE, SENE, and NESE; Section 28, NE¼, NW¼, NESW, NWSW, NESE, and NWSE. All of the claims are appurtenant to the base property.

Because of the availability of more accurate mapping tools, the place of use descriptions for some of the Hood's recommendations differ from the place of use descriptions on the water rights they are intending to overlap. The differences can include a larger or smaller place of use, or a place of use description with a slightly different legal description.

The recommended place of use for each right includes the Public Land Survey description for each portion that the stream passes through between the beginning and ending points of diversion.

Purpose of Use and Period of Use

Historical and current use of water for instream stockwater is supported by the Class 1 License issued to Charles R Edwards & Son in 1936 for grazing 250 cattle on public lands. The Hoods have a grazing permit for Horse Flat issued March 14, 2013. Water used for instream stockwater purposes is generally recommended for year-round use if year-round use is claimed.

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. The claimed diversion rate is the same rate decreed in the SRBA to the overlapping BLM water rights within the Horse Flat Allotment.

CONCLUSION

All of the claims submitted by Karen and Keith Hood for watering livestock within the Horse Flat Allotment are hereby recommended as claimed. IDWR's standard conditions have been added where necessary to further describe specific elements of the water rights.

Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic or Stock Water Uses for Claim Nos. 67-15263, 67-15264, 67-15265, 67-15266, 67-15267, 67-15268, 67-15269, 67-15270, 67-15272, 67-15273, 67-15274, 67-15275, 67-15276, 67-15277, and 67-15278, which includes the recommendation of the deferred *de minimis* water right numbers listed above.

Respectfully submitted this th 17 day of September, 2021.



CRAIG L. SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on September 30, 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
Idaho Water Adjudications
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail
☐ FAX

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
☐ E-mail

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Washington County Courthouse
P.O. Box 670
Weiser, ID 83672

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Keith R. Hood
Karen M. Hood
PO Box 100
Cambridge, ID 83610

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

U.S. Attorney's Office
1290 W Myrtle St Suite 500
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

A handwritten signature in blue ink, appearing to read "Tosi Harris", is written over a horizontal line.

Signature of person delivering form

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

RIGHT NUMBER: 67-15263

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: UNNAMED STREAM

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S5 NWNW Lot 4 Begin of Stream Flow Within WASHINGTON County
T15N R03W S5 SESW End of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

1/01 12/31

0.020 CFS

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

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in WASHINGTON County

T15N R03W S05 Lot 4	NWNW	T15N R03W S05	SWNW
T15N R03W S05	NESW	T15N R03W S05	NWSW
T15N R03W S05	SWSW	T15N R03W S05	SESW

This right is appurtenant to the base property described below:

T15N, R3W, Section 21, SWSW

T15N, R3W, Section 29, NENE, SENE, and NESE

T15N, R3W, Section 28, NE~~4~~, NW~~4~~, NESW, NWSW, NESE, and NWSE.

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

09/17/2021

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

RIGHT NUMBER: 67-15264

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: UNNAMED STREAM

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S5 NESW Begin of Stream Flow Within WASHINGTON County
T15N R03W S5 NWSE End of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

1/01 12/31

0.020 CFS

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

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in WASHINGTON County

T15N R03W S05

NESW

T15N R03W S05

NWSE

This right is appurtenant to the base property described below:

T15N, R3W, Section 21, SWSW

T15N, R3W, Section 29, NENE, SENE, and NESE

T15N, R3W, Section 28, NE~~4~~, NW~~4~~, NESW, NWSW, NESE, and NWSE.

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

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09/17/2021

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

RIGHT NUMBER: 67-15266

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: SPRING CREEK

TRIBUTARY: CAMP CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S8 SWNW Begin of Stream Flow Within WASHINGTON County
T15N R03W S17 SESE End of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

1/01 12/31

0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

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

PLACE OF USE:

STOCKWATER in WASHINGTON County

T15N R03W S08	SWNW	T15N R03W S08	NWSW
T15N R03W S08	SWSW	T15N R03W S17	SWNE
T15N R03W S17	NENW	T15N R03W S17	NWNW
T15N R03W S17	SENE	T15N R03W S17	NESE
T15N R03W S17	NWSE	T15N R03W S17	SESE

This right is appurtenant to the base property described below:

T15N, R3W, Section 21, SWSW

T15N, R3W, Section 29, NENE, SENE, and NESE

T15N, R3W, Section 28, NE $\frac{1}{4}$, NW $\frac{1}{4}$, NESW, NWSW, NESE, and NWSE.

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

09/17/2021

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

RIGHT NUMBER: 67-15267

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: UNNAMED STREAM

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S9 NWSW Begin of Stream Flow Within WASHINGTON County
T15N R03W S9 NWSE End of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

1/01 12/31

0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

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

PLACE OF USE:

STOCKWATER in WASHINGTON County

T15N R03W S09

NESW

T15N R03W S09

NWSW

T15N R03W S09

NWSE

This right is appurtenant to the base property described below:

T15N, R3W, Section 21, SWSW

T15N, R3W, Section 29, NENE, SENE, and NESE

T15N, R3W, Section 28, NE $\frac{1}{4}$, NW $\frac{1}{4}$, NESW, NWSW, NESE, and NWSE.

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

09/17/2021

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

RIGHT NUMBER: 67-15268

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: CAMP CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S30 SENE End of Stream Flow Within WASHINGTON County
T15N R03W S19 NWSE Begin of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

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

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

STOCKWATER in WASHINGTON County

T15N R03W S19	NWSE	T15N R03W S19	SWSE
T15N R03W S19	SESE	T15N R03W S30	NENE
T15N R03W S30	SENE		

This right is appurtenant to the base property described below:

T15N, R3W, Section 21, SWSW
T15N, R3W, Section 29, NENE, SENE, and NESE
T15N, R3W, Section 28, NE $\frac{1}{4}$, NW $\frac{1}{4}$, NESW, NWSW, NESE, and NWSE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/17/2021

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

RIGHT NUMBER: 67-15270

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: CAMP CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S29 SWSE Begin of Stream Flow Within WASHINGTON County
T15N R03W S29 SESE End of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	1/01 12/31	0.020 CFS

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

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE: STOCKWATER in WASHINGTON County
T15N R03W S29 SWSE T15N R03W S29 SESE

This right is appurtenant to the base property described below:
T15N, R3W, Section 21, SWSW
T15N, R3W, Section 29, NENE, SENE, and NESE
T15N, R3W, Section 28, NE¼, NW¼, NESW, NWSW, NESE, and NWSE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/17/2021

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

RIGHT NUMBER: 67-15273

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: UNNAMED STREAM TRIBUTARY: SPRING CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S21 NWSW End of Stream Flow Within WASHINGTON County
T15N R03W S17 SENW Begin of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	1/01 12/31	0.020 CFS

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

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

PLACE OF USE:

<u>STOCKWATER in WASHINGTON County</u>						
T15N	R03W	S17	SENW	T15N	R03W	S17 NESW
T15N	R03W	S17	NWSE	T15N	R03W	S17 SWSE
T15N	R03W	S20	NWNE	T15N	R03W	S20 SWNE
T15N	R03W	S20	SENE	T15N	R03W	S20 NENW
T15N	R03W	S20	NESE	T15N	R03W	S21 NWSW

This right is appurtenant to the base property described below:

T15N, R3W, Section 21, SWSW
T15N, R3W, Section 29, NENE, SENE, and NESE
T15N, R3W, Section 28, NE¼, NW¼, NESW, NWSW, NESE, and NWSE.

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/17/2021

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

RIGHT NUMBER: 67-15277

NAME AND ADDRESS: KAREN M HOOD
PO BOX 100
CAMBRIDGE ID 83610-0100

KEITH R HOOD
PO BOX 100
CAMBRIDGE ID 83610

SOURCE: UNNAMED STREAM

TRIBUTARY: RUSH CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/28/1896

POINT OF DIVERSION: T15N R03W S22 SWNW End of Stream Flow Within WASHINGTON County
T15N R03W S21 NWNE Begin of Stream Flow Within WASHINGTON County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

The period of use under this water right is limited to the period of use authorized by the United States for grazing on Federal land as described in the applicable grazing permit, annual operating instructions, and other controlling documents.

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

PLACE OF USE:

STOCKWATER in WASHINGTON County

T15N R03W S21	NENE	T15N R03W S21	NWNE
T15N R03W S21	SENE	T15N R03W S22	NWNW
T15N R03W S22	SWNW		

This right is appurtenant to the base property described below:
T15N, R3W, Section 21, SWSW
T15N, R3W, Section 29, NENE, SENE, and NESE
T15N, R3W, Section 28, NE $\frac{1}{4}$, NW $\frac{1}{4}$, NESW, NWSW, NESE, and NWSE.

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

