

LAWRENCE G. WASDEN

Attorney General

State of Idaho

DARRELL G. EARLY

Chief, Natural Resources Division

LACEY RAMMELL-O'BRIEN

Deputy Attorney General

Idaho Department of Water Resources

P.O. Box 83720

Boise, ID 83720-0098

Telephone: (208) 287-4812

Fax: (208) 287-6700

Idaho State Bar # 8201

Attorney for IDWR

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

**AFFIDAVIT OF SERVICE: DIRECTOR'S
REPORT OF DEFERRED *DE MINIMIS*
DOMESTIC AND/OR STOCK WATER
USE
CLAIM NO. 85-15817**

STATE OF IDAHO)

) ss.

County of Ada)

I, Craig Saxton, being first duly sworn on oath, depose and state as follows:

1. I am the Manager, Adjudication Section, for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

2. A Notice of Filing Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, Claim Number 85-15817, a copy of which is attached as Exhibit 1, was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court.

3. The Notice and the Director's Report for subcase case 85-15817 which contained the individual recommendations for the claimant's water right, was served on the claimant, Sharon Johnston, 845 37th Avenue, Forest Grove, OR 97116, by deposit into the U.S. Mail before 5:00 p.m. on June 8, 2021.

4. The Notice and the Director's Report was mailed to the Office of the Attorney General for the State of Idaho, P.O. Box 83720, Boise, ID 83720-0010, by deposit into the U.S. mail before 5:00 p.m. on June 8, 2021.

5. The Notice and the Director's Report was mailed to the U.S. Department of Justice, Environment & Natural Resources Division, 550 West Fort Street, MSC 033, Boise, ID 83724, by deposit into the U.S. Mail before 5:00 p.m. on June 8, 2021.

6. The Notice and the Director's Report was mailed to the Nez Perce County Courthouse, PO Box 896, Lewiston, ID 83501, by deposit into the U.S. Mail before 5:00 p.m. on June 8, 2021.

7. The Notice and the Director's Report was e-mailed to IDWR's Salmon Field Office and Eastern, Western, Northern, and Southern Regional Offices on June 8, 2021.

DATED this 15th day of November, 2021.


CRAIG SAXTON
Manager, Adjudication Section
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 15th day of November, 2021.




NOTARY PUBLIC FOR IDAHO
Residing at: Boise Idaho
My commission expires: 12-12-2024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2021, I served a true and correct copy of this affidavit of service by the following method to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile

U.S. Department of Justice
Environment and Nat'l Resources Division
550 West Fort Street Box 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Chief, Nat'l Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Sharon Johnston
845 37th Avenue
Forest Grove, OR 97116

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

**NOTICE OF FILING DIRECTOR'S REPORT
OF DEFERRED *DE MINIMIS* DOMESTIC
AND / OR STOCK WATER USE
CLAIM NUMBER 85-15817**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report of Deferred *De Minimis* Domestic and / or Stock Water Use Claim No. 85-15817 (DR). This DR contains the Director's recommendations to the SRBA Court as to how your *de minimis* domestic and/or stock water right, claimed under state law, should be decreed in the SRBA if allowed by the District Court.

Why am I getting this mailing?

You have received this mailing because you filed a Motion for Determination of Deferred *De Minimis* Domestic or Stock Water Use with an accompanying Notice of Claim to Water Right in the SRBA. The Director has completed the examination of your claim and has filed his report and recommendations of your claim with the Court. This mailing contains only the Director's recommendation to the SRBA Court of your claim. Your mailing **does not** contain the Director's recommendations of any claims other than your own. A complete copy of this DR is also available at the SRBA courthouse in Twin Falls and at the locations listed at the end of this notice. Copies of the DR can be made but you may be charged for copying and mailing. The DR can also be accessed through the SRBA Court's website at <http://www.srba.idaho.gov> or IDWR's website at <http://www.idwr.idaho.gov>. A map of reporting areas, as well as other information pertaining to the SRBA, can be accessed on IDWR's website as well.

A Final Unified Decree was issued in the SRBA on August 26, 2014. Any future reporting of water rights, which were before the SRBA Court prior to the entry of the Final Unified Decree, or deferred *de minimis* domestic or stock water claims proceeding under the SRBA Court's *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* of June 28, 2012, and as amended by the *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, issued October 17, 2017, will be through individual reports or reports on small groups of rights. You will not receive notice of these future reports as they are filed with the SRBA Court unless you have an ownership interest in the water right claim that is being reported. Therefore, if you are interested in the status of water rights belonging to other people that have not yet been recommended by IDWR, you should periodically review the Court's docket sheet or check the status of the water right on the Court's web page located at: <http://www.srba.idaho.gov>. Information about subscribing to the Court's docket sheet is provided on page three of this notice.



INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right, which are enclosed in the DR, is only the Director's *recommendation* to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation, you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with the recommendation?

If you disagree with any element of the recommendation of the water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA website at: <http://www.srba.idaho.gov>.

Your objection must be **received** by the SRBA Court on or before **Tuesday, August 10, 2021**. A copy of the objection must be mailed to the Director of IDWR. Should anyone else object to the recommendation of this right, the objector should mail a copy of their objection to the claimant of the right and to the Director of IDWR.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA website at: <http://www.srba.idaho.gov>.

Responses must be **received** by the SRBA Court on or before **Tuesday, October 12, 2021**. A copy of the response must be mailed to the Director of IDWR and the objector to the water right.

What happens if there are no objections to my water right?

Should the deadline for filing objections and responses to your water right pass--with no objections or responses filed--the SRBA Court will hear the uncontested recommendation on **Tuesday, November 16, 2021, at 1:30 p.m. (Mountain Time)** at the SRBA courthouse. A partial decree will be issued following this hearing.