

**DIRECTOR'S REPORT OF DEFERRED
DE MINIMIS DOMESTIC USE**

Claim No. 86-12081

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

DESCRIPTIVE SUMMARY

This is a Director's Report of Deferred *De Minimis* Domestic Use submitted by the Director of the Idaho Department of Water Resources (IDWR).

INTRODUCTION

A Motion for Determination of Deferred *De Minimis* Domestic Use (Motion) and Notice of Claim to Water Right for water right claim no. 86-12081 were submitted to the Court on September 11, 2020. IDWR published a notice of the pendency and purpose of the Motion. *See Affidavit of Publication*, filed simultaneously. Sandy Thiel, Senior Water Resource Agent conducted an examination for the above-mentioned water right claim on behalf of the Director. The materials used in and results of the examination of the elements of the claim are discussed below.

DISCUSSION

Ownership:

Claim 86-12081 lists the claimant as Arlin Colborg. On March 6, 1985, Arlin Colborg filed Application for Permit 87-7120 for domestic use from ground water. Permit 87-7120 was issued on May 15, 1986, in the name of Arlin Colborg. On June 7, 1985, Proof of Beneficial Use was submitted in connection with permit 87-7120. The proof statement listed the permit holders as Arlin Colborg and Glenn Gernert because at the time proof was submitted the place of use under permit 87-7120 consisted of two parcels, one owned by Arlin and Lee Ann Colborg, and the other owned by Glenn and Clare Gernert. On July 22, 1985, IDWR sent correspondence to Arlin Colborg, the permit holder of record, and informed him that if he wanted to add Glenn Gernert to the permit, he would need to complete an assignment of permit. License 87-7120 was

issued on 12/22/1986 in the name of Arlin Colborg authorizing use for both Arlin Colborg's parcel and Glenn Gernert's parcel.

On August 13, 2020, water right license 87-7120 was renumbered to water right 86-12091, when it was discovered that the point of diversion and place of use are both located in Basin 86. Adjudication claim 86-12081 claims the water use described under renumbered license 86-12091. Because the license was issued to Arlin Colborg despite the place of use being in multiple ownership, IDWR will recommend ownership of 86-12081 as claimed.

Priority Date

On December 22, 1986, IDWR issued water right license 87-7120 to Arlin Colborg for domestic use for two units. The licensed priority date for 87-7120 is March 6, 1985.

On August 13, 2020, water right 87-7120 was renumbered to water right 86-12091, when it was discovered that the point of diversion and place of use are both located in Basin 86. Adjudication claim 86-12081 claims the water use described under renumbered license 86-12091. The priority date is recommended as described in water right license 86-12091.

Points of Diversion

The claimed point of diversion is in Township 39 North, Range 4 West, Section 6, SESE, on parcel RP39N04W069755. The beneficial use field exam conducted on July 8, 1986, confirmed the location of the point of diversion. The point of diversion is recommended as described in water right license 86-12091.

Source

The source claimed is ground water. The beneficial use field exam conducted on July 8, 1986, confirmed the source as ground water. The source is recommended as described in water right license 86-12091.

Place of Use

The claimed place of use is entirely within Latah County parcel numbers RP39N04W069505 and RP39N04W069755. According to the Latah County property records Arlin E. Colborg owns parcel RP39N04W069505. Dean B. Parker owns parcel RP39N04W069755. The place of use is recommended as described in water right license 86-12091.

Quantity

The quantity claimed is 0.02 cfs and 1.8 acre-feet per year. The claimed quantity is consistent with water right license 86-12091 and is recommended as claimed.

Purpose and Period of Use

The purpose of use was claimed consistent with water right license 86-12091, and is for domestic use for two homes with a year round season of use. The right is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend claim 86-12081 for domestic use from ground water.

Respectfully submitted this ²²20 day of December, 2021.



CRAIG L. SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on December 21, 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
☒ 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
☒ 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

Latah County Courthouse
PO Box 8068
Moscow, ID 83843

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

Arlin Colborg
1221 Wallen Rd
Moscow, ID 83843

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

U.S. Attorney's Office
1290 West Myrtle Street
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

Doli Harris

Signature of person delivering form

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

RIGHT NUMBER: 86-12081

NAME AND ADDRESS: ARLIN COLBORG
1221 WALLEN RD
MOSCOW ID 83843

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
1.80 AFY

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

PRIORITY DATE: 03/06/1985

POINT OF DIVERSION: T39N R04W S6 SESE Within LATAH County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	1/01 12/31	0.020 CFS 1.80 AFY
	Domestic use is for 2 homes.		

PLACE OF USE:

DOMESTIC in LATAH County
T39N R04W S06 SESE

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).

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel Nos. RP39N04W069505 and RP39N04W069755.

Water Right 86-12091 was claimed as 86-12081.