

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

Claim No. 57-12068

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, Adjudication Section Manager

April 18, 2022

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, were submitted to the Court on April 19, 2021, for water right claim no. 57-12068. IDWR published a notice of the pendency and purpose of the Motion. An objection to the claim was filed timely with the court on July 9, 2021. IDWR filed a Notice of Examination on September 8, 2021. The Director has now completed his examination of the claim. The examination was conducted by Craig Saxton, Manager, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim no. 57-12068 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is September 8, 1967. The claimant provided a warranty deed showing conveyance of the claimed place of use to Lewis W. and Ethel A. Cegnar on September 8, 1967. Item 13 in the claim states that Lewis and Ethel immediately began raising cattle and using Jump Creek water and that they are the applicant Cegnar Land LLC's predecessors in interest.

Historic use of the claimed stretch of stream for instream stockwater is further is supported by land patent #712747 issued to George W. Kershner on October 13, 1919, and

established under the Homestead Act of 1862¹. The priority date is recommended as claimed.

Point of Diversion

The claimed points of diversion represent the beginning points and ending points for instream stockwater use. The beginning point is claimed in Township 3N, Range 5W, Section 34, SENW, and the ending point is claimed in Township 3N, Range 5W, Section 34, NENW. 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 claimed source of water is Jump Creek which is tributary to the Snake River and was verified using USGS Quadrangle maps. The source is recommended as claimed.

Place of Use

The claimed place of use is within Township 3N, Range 5W, Section 34, NENW and SENW, which includes the quarter-quarters containing the stretch of stream between the beginning and ending points Jump Creek that passes through.

The claimed place of use is entirely within Owyhee County parcel number RP03N05W340750. According to the Owyhee County property records Ronald Cegnar owns the parcel. The Idaho Secretary of State Business Search website identifies Ron W. Cegnar as a member of Cegnar Land LLC. The place of use is recommended as claimed.

Quantity

¹ To receive a patent under the Homestead Act of 1862, 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 historical instream or non-diverted stock water use.

The quantity claimed is for 0.05 cfs. A diversion rate of 0.02 cfs diverted continuously for 24 hour per day generates just under 13,000 gallons. In Basin Wide 12, the SRBA Court determined de minimis instream stockwater rights cannot exceed 13,000 gallons per day. This right is being recommended for instream stock water use. The recommended diversion rate is 0.02 cfs.

Purpose of Use 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 water right claim 57-12068 for instream stockwater use. Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, Claim No. 57-12068, which includes the recommendation of deferred *de minimis* water right no. 57-12068.

IDWR has added the appropriate standard conditions to the recommendation and IDWR's Verification Report has been completed.

Respectfully submitted this 18th day of April, 2022.


CRAIG L. SAXTON
Adjudication Section Manager

CERTIFICATE OF SERVICE

I certify that on April 18, 2022 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:

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Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
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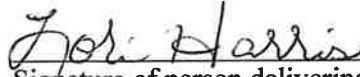
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