

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

Claim No. 79-14292

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 Saxton, Manager, Adjudication Section

August 15, 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, was submitted to the Court on January 14, 2022, under water right claim no. 79-14292. The claimants, Benjamin S. and Annette Lindsey, published notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Scott Luvaas, Water Resource Agent, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim 79-14292 are discussed below.

DISCUSSION

Priority Date – The claimed priority date is February 10, 2007, which is the date the claimants moved into the home and started using the well according to item 13 on the claim. The well driller report describes the location of the well as Township 28 North, Range 02 East, Section 32, NENE, and lists a completion date of October 25, 2006. The location described on the well driller report is consistent with the claimed point of diversion location. The priority date is recommended as claimed.

Point of Diversion – The claimed point of diversion is located on Idaho County parcel RP28N02E320025 in Township 28 North, Range 02 East, Section 32, NENE, which matches the location description on the well drillers report. According to the Idaho County parcel data, B.

Scott Lindsey owns the property at the point of diversion. The point of diversion is recommended as claimed.

Source – The source for water diverted from a well is ground water. Well driller report identified by tag number D0046361 shows the owner as Scott Lindsey and describes the place of use consistent with the claimed point of diversion location. The source is recommended as claimed.

Place of Use – The claimed place of use is on parcel RP28N02E320025 in Idaho County. Aerial photos provide evidence of domestic use on the claimed place of use. Parcel RP28N02E320025 is located in Township 28 North, Range 02 East, Section 32, NENE, and is owned by the claimant. The place of use is recommended as claimed.

Purpose of Use and Period of Use – The claimed purpose of use is for domestic use for one home with a year-round period of use. Domestic structures are visible on available aerial photography. Water diverted and used for domestic purposes are recommended for year-round use if a year-round water use was claimed. The purpose and period of use are recommended as claimed.

Quantity – The claimed quantity is 0.04 CFS which is within the typical range of diversion rates associated with private wells used for domestic purposes in one home. The quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim 79-14292, as claimed, for domestic 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. 79-14292, which includes the recommendation of deferred *de minimis* water right no. 79-14292.

Respectfully submitted this 15th day of August, 2022.

A handwritten signature in blue ink, reading "Craig L. Saxton", is written over a horizontal line.

CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on August 17, 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:

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

Idaho County Courthouse
320 W Main St
Grangeville, ID 83530

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

Benjamin S. & Annette Lindsey
PO Box 223
White Bird, ID 83554

☐ 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



Signature of person delivering form

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

RIGHT NUMBER: 79-14292

NAME AND ADDRESS: ANNETTE LINDSEY
PO BOX 223
WHITE BIRD ID 83554

BENJAMIN S LINDSEY
PO BOX 223
WHITE BIRD ID 83554

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 02/10/2007

POINT OF DIVERSION: T28N R02E S32 NENENE Within IDAHO County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home.

PLACE OF USE:
DOMESTIC in IDAHO County
T28N R02E S32 NENE

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
Parcel No. RP28N02E320025A