

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

Claim No. 86-12109

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 25, 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 April 16, 2021, under water right claim no. 86-12109. The claimants, Shayne Watkins and Alane Watkins, 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 86-12109 are discussed below.

DISCUSSION

Priority Date – The claimed priority date is July 2, 1973. The well driller report submitted with the claim, identified by drilling permit no. 86-73-N-41, describes the location of the well as Township 40 North, Range 03 West, Section 1, in the West ½ of the West ½ of Government Lot 1, and lists a completion date of July 2, 1973. Consistent with the well driller report, documents supplied by the claimant listing the elements of parcel RP40N03W010220A, describe the legal description as a 12.1 acre tract of land belonging to the claimant as being in the West ½ of the West ½ of Government Lot 1. The claimed point of diversion is described as being in Township 40 North, Range 03 West, Section 1, Government Lot 1 (NENE) on Parcel number RP40N03W010220A. 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 Latah County parcel

RP40N03W010220A in Township 40 North, Range 03 West, Section 1, Lot 1 (NENE), which matches the location description on the well drillers report as is described in the Priority Date section. According to the Latah County parcel data, Shayne and Alane Watkins own 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 owner's permit number 86-73-N-41 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 RP40N03W010220A in Latah County. Aerial photos provide evidence of domestic use on the claimed place of use. Parcel RP40N03W010220A is located in Township 39 North, Range 03 West, Section 1, Lot 1 (NENE), and is owned by the claimants. The place of use is recommended as claimed.

Purpose of Use and Period of Use – The claimed purpose of use is for domestic and stockwater 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. Stockwater use was verified by speaking with the claimant on August 11, 2022. The claimant stated that the number of stock vary throughout the year, but up to 12 head of stock use ground water from the point of diversion for up to two months each year. The purpose and period of use are recommended as claimed.

Quantity – The claimed quantity is 0.02 CFS which is within the typical range of diversion rates associated with private wells used for domestic and stockwater purposes in one home. The quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim 86-12109, as claimed, for

domestic and 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. 86-12109, which includes the recommendation of deferred *de minimis* water right no. 86-12109.

Respectfully submitted this 25th day of August, 2022.



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on August 25, 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

Latah County Courthouse
PO Box 8068
Moscow, ID 83843

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

Aaron Roepke
Westberg Roepke Moore, PLLC
530 S. Asbury Street Suite 2
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



Signature of person delivering form

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

RIGHT NUMBER: 86-12109

NAME AND ADDRESS: ALANE WATKINS
PO BOX 335
DEARY ID 83823-0335

SHAYNE WATKINS
PO BOX 335
DEARY ID 83823-0335

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 07/02/1973

POINT OF DIVERSION: T40N R03W S1 NENE Lot 1 Within LATAH County

PURPOSE AND

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

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC in LATAH County
T40N R03W S01 Lot 1 NENE
STOCKWATER in LATAH County
T40N R03W S01 Lot 1 NENE

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
Stockwater use is for 12 range cattle.

Parcel No. RP40N03W010220A