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SEP 27 2023

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409-2 (Internet 7/17)

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 22 2023

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

OC Clerk
Deputy Clerk

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Claim ID: 63-35487
Date Received: 9-22-23
Receipt No: C117105
Claim Fee: 925.00 By: KM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) John Schram & Ann Marie Schram Phone (208) 867-9526
Mailing address 3353 N Munger Road Star Idaho Zip 83669
Street or Box City State
Email address (optional) schram.john12@gmail.com
- Date of priority: (Only one per claim) March 18, 1994 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
- Location of point of diversion is: Township 05N, Range 01West, Section 31,
SE 1/4 of SW 1/4, or Govt. Lot _____ BM, County of _____;
Parcel no. S0331336345
Additional points of diversion, if any: _____
If available, GPS coordinates: _____
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
A well pumps water from the ground and the water is used for a residence and several water troughs. The well is 213 feet and has 6 inch casing from 1.5 feet to 200 feet and 5 inch welded liner from 196 to 213 feet.
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

	Month/Day	Month/Day	cfs (✓) or AFY ()
For <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> amount <u>.04</u>			
For <u>Stockwater</u> purposes from <u>1-1</u> to <u>12-31</u> amount <u>.02</u>			
- Total quantity claimed .06 cfs (✓) or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
The well feeds one residential home and several water troughs for a herd of 75 goats.

9. Location of place of use is: Township 05N, Range 01West, Section 31,
SE 1/4 of SW 1/4, Govt. Lot _____ BM, Parcel no. S0331336345

If different than shown in Item 4

for (check one) Domestic () Stock () Domestic and Stock (✓)

Additional places of use, if any _____

10. In which county(ies) are lands listed above as place of use located? Ada

11. Do you own the property listed above as place of use? Yes (✓) No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

13. Remarks (include an explanation of the priority date selected):

Attached with this form is the well driller's report dated and signed upon March 18, 1994. The date that the well was drilled is the date in which water began to be utilized for domestic and stockwater purposes.

14. Basis of claim (check one) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How You Will Receive Notice in the Snake River Basin Adjudication."

(b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 - Well Driller's Report

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date: 9/11/23

[Signature] Date: 9-11-2023

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. Notice of Appearance:

Notice is hereby given that I, (please print) FRANK CARROCEA-Phillips, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] Date 9/15/2023

Address Sawtooth Law Offices - 1101 W. River Street, Ste. 110, Boise, ID, 83702

Name of claimant(s) _____ Claim ID _____

(Sign once if Firm Official & Operator)

RECEIVED

SEP 22 2023

DEPARTMENT OF
WATER RESOURCES

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

Subcase 63-35487

(Insert water right number)

MOTION FOR DETERMINATION OF
DEFERRED *DE MINIMIS* DOMESTIC OR
STOCK WATER USE

Please fill in the following information:

NAME AND ADDRESS OF WATER RIGHT CLAIMANT.

Name: John and Ann Marie Schram

Address: 3353 N. Munger Road

Star, Idaho 83669

Daytime Phone: (208) 867-9526

Name & Address of Attorney, if any:

Frank "Patxi" Larrocea-Phillips

Sawtooth Law Offices, PLLC

1101 W. River Street, Suite 110

Boise, ID 83706

I HAVE ATTACHED:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock water use pursuant to I.C. § 42-1414. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount required by the statute.

MOTION FOR DETERMINATION OF DEFERRED *DE MINIMIS* DOMESTIC OR STOCK WATER USE

SCANNED

SEP 25 2023

I HAVE READ AND REVIEWED THE FOLLOWING:

- ☒ The procedures governing the filing and prosecution of this Motion as set forth in the Court's *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012, and the *Order Amending Procedure in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, entered October 17, 2017.
- ☒ The *Order Granting State of Idaho's Motion for Interim Order Implementing the Order Governing Procedures of Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on December 18, 2013.

INSTRUCTIONS REGARDING THE HEARING ON THIS MOTION: A hearing on your Motion will be scheduled by the Court after the filing of the *Affidavit of Publication* as required under paragraph B.1. of the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012, and the *Order Amending Procedure in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, entered October 17, 2017.

Signed: _____


Frank "Patxi" Larrocea-Phillips

Dated: _____

9/20/23

CERTIFICATE OF MAILING

I certify that on September 20th, 2023, I mailed original and copies of this form, including all attachments, via certified mail and addressed as follows to the following persons:

1. Original to:

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

2. Copies to:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

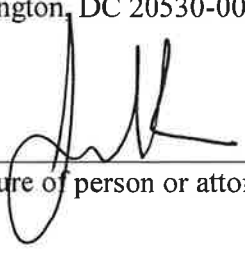
United States Department of Justice
Environment & Nat'l Resources Div.
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

3. Certified Mail Copies to:

U.S. Attorney's Office
1290 W Myrtle St, Ste 500
Boise, ID 83702

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001



Signature of person or attorney mailing the form

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN - 4 2024	
By _____	Clerk
_____	Deputy Clerk

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

Claim No. 63-35487

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Mathew Weaver, Director
Craig Saxton, Manager, Adjudication Section

January 2, 2024

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 received by the Court on September 22, 2023, for water right claim no. 63-35487. The claimants published notice of the Motion, and the Director has now completed his examination of the water right 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. 63-35487 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is May 18, 1994. Ada County parcel GIS data lists the built date on the property as 1994. In addition, the claimant included a well drillers report for well ID# 300529, which matches the legal description of the claimed point of diversion and lists a well completion date of March 17, 1994. The priority date is recommended as claimed.

Point of Diversion

The claimed identifies the point of diversion as being located on Ada County parcel S0331336345, which is located in Township 05N, Range 01W, Section 31, SESW, which is consistent with the PLSS description on the well drillers report. Ada County parcel data shows that the parcel is owned by John and Ann Marie Schram. The point of diversion is recommended as claimed.

Source

The source claimed is "ground water". The claimant submitted the well driller report for well ID# 300529 to support the claimed source. The source for water diverted from a well is described as ground water. The source is recommended as claimed.

Place of Use

The claimed place of use is located on Ada County parcel S0331336345. The location of the place of use is described as Township 05N, Range 01W, Section 31, SESW. According to the Ada County parcel data, John and Ann Marie Schram own the property described as the claimed place of use. Ada county parcel data lists a built date of 1994 for the parcel and domestic structures are visible in available aerial photography. 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 1 home and stockwater use for up to 75 goats. Domestic structures and livestock infrastructure are visible on the claimed place of use in available aerial photography.

The claimed year-round season of use for domestic is recommended as claimed.

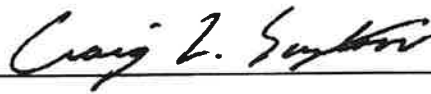
Quantity

The claimed quantity is 0.04 cubic feet per second ("cfs") for domestic use and 0.02 cfs for stockwater use with an overall diversion rate of 0.06 cfs. The claimed diversion rates for domestic and stockwater use are within the typical range of diversion rates associated with each claimed use. IDWR's Application Processing Memorandum #22 lists a typical diversion rate for a single household at 0.04 cfs. Appendix 1 of IDWR's Adjudication Memorandum #58 lists a typical diversion rate for up to 75 head of goats at 0.02 cfs. The quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim no. 63-35487, 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. 63-35487, which includes the recommendation of deferred *de minimis* water right no. 63-35487.

Respectfully submitted this 2nd day of January, 2024.



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on January 2, 2024, 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, Energy and 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

Ada County Courthouse
200 W. Front St
Boise ID 83702

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

Frank Larrocea-Phillips
Sawtooth Law Offices PLLC
1101 W River St Ste 110
Boise ID 83702-7067

☐ 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

Lori Harris

Signature of person delivering form

1/2/2024

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

RIGHT NUMBER: 63-35487

NAME AND ADDRESS: ANN MARIE SCHRAM
3353 N MUNGER RD
STAR ID 83669

JOHN SCHRAM
3353 N MUNGER RD
STAR ID 83669

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 03/18/1994

POINT OF DIVERSION: T05N R01W S31 SESW Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

STOCKWATER

01/01 12/31

0.020 CFS

Domestic use is for 1 home.

PLACE OF USE:

STOCKWATER in ADA County

T05N R01W S31 SESW

DOMESTIC in ADA County

T05N R01W S31 SESW

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

Parcel No(s). S0331336345

Stockwater use is for up to 75 goats.

Boise Office

1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW
OFFICES, PLLC

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NOV 16 2023
DEPARTMENT OF
WATER RESOURCES

Thursday, November 16, 2023

David P. Claiborne

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera

Kelsea E. Donahue

Brian A. Faria

Thomas M. Larsen

Patxi Larrocea-Phillips

John A. Richards

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

Via Hand Delivery

Idaho Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83702-7371

Re: Water Right Claim 63-35487

Dear Department Representative:

Please find enclosed payment in the amount of \$100.00 for the examination of the above-referenced water right claim.

Please contact this office if you have any questions.

Very truly yours,

Debby Long
Administrative Assistant

www.sawtoothlaw.com

Attorneys licensed in Idaho, Montana, Oregon and Washington

SCANNED

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

Water Right Claim: 63-35487

NOTICE OF EXAMINATION
OF DEFERRED *DE MINIMIS*
DOMESTIC AND/OR STOCK
WATER USE

RECEIVED

NOV 16 2023

SANTOOTH LAW OFFICES

A Motion for Determination of Deferred De Minimis Domestic or Stock Water Use

(Motion) was filed with the district court on September 22, 2023, for water right claim 63-35487.

The claimant has published notice of the Motion, and no objections to the claim have been filed.

The Director of the Idaho Department of Water Resources (IDWR):

- ☐ Will not conduct an examination of the claim
- ☒ Will conduct an examination of the claim and file a report with the district court on or by **November 18, 2024**. The Director estimates the costs for examination of the claim and preparation of the report to be **\$100.00**.
- ☐ Will commence an examination of the water system pursuant to Idaho Code § 42-1410 (2003) and file a report on its findings with the district court on or by _____. The Director estimates the costs for examination of the water system and preparation of the report to be _____.

Pursuant to the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* issued on June 28, 2012, in the Snake River Basin Adjudication (SRBA) main case no. 39576, the claimant shall forward the amount of costs estimated above, \$100.00, to the Director. IDWR has served a copy of this *Notice of Examination of Deferred De Minimis Domestic and/or Stock Water Use* on the claimant(s) as notification that the charges are now due. The claimant should remit payment to: IDWR, P.O. Box 83720, Boise, Idaho 83720-0098.

DATED: November 14, 2023



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 14, 2023, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile

2. Copies to claimant:

John Schram
Anne Marie Schram
Represented by:
Frank Larrocea-Phillips
Sawtooth Law Offices, PLLC
1101 W. River Street, Suite 110
Boise, ID 83706

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

☐ Overnight mail
☐ Regular mail
☒ Hand-delivered
☐ Facsimile

Frank Larrocea-Phillips

Signature of person mailing this document