

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

APR 28 2023

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

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

Deputy Clerk

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

FEB 17 2023

FEB 7 2023

By

Clerk

CIVIL CASE NUMBER: 39576

Deputy Clerk

Claim ID: 63-35321e

Date Received:

Receipt No:

Claim Fee: By:

AMENDED

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

1. Name of claimant(s) KEVIN L. NANCE & CHERYL D. NANCE Phone (208) 9831-7603

Mailing address 2893 N EAGLE RD EAGLE ID Zip 83816
Street or Box City State

Email address (optional) _____

2. Date of priority: (Only one per claim) 11/6/2019 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____

which is tributary to (b) _____

4. Location of point of diversion is: Township 4N 5N, Range 1E, Section 32,
SE 1/4 of SE 1/4, or Govt. Lot _____ BM, County of ADA

Parcel no. _____

Additional points of diversion, if any: THERE IS AN ORIGINAL WELL STILL USED IN THE SAME QQ

If available, GPS coordinates: _____

5. Description of diverting works (wells, pumps, sowing 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.

THE WELL WAS DRILLED IN 2019 FOR A BACK-UP TO THE ORIGINAL WELL AND FOR USE IN THE GUEST HOUSE AND POSSIBLE IRRIGATION IN THE FUTURE. THERE IS A 2 HP PUMP IN THE WELL.

6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

For DOMESTIC purposes from 1/1 to 12/31 amount 0.04
Month/Day Month/Day cfs () or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 cfs (✓) or AFY ()

8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)

9. Location of place of use is: Township 4N 5N, Range 1E, Section 32

SE 1/4 of SE 1/4, Govt. Lot _____ BM, Parcel no. _____
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.

THE ORIGINAL WELL IS STILL USED; THIS WELL WAS DRILLED AS A BACK-UP SUPPLY AND POSSIBLE IRRIGATION IN THE FUTURE. SEE TOO CLAIM or None ()

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

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: _____

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) X Ken Nance Date: 11/29/22

X Cheryl Nance Date: 11/29/22

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) CANDICE M. MCHUGH, 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 Candice MCHUGH Date 2-10-2023

Address MCHUGH BROMLEY, PLLC, 380 S 4TH ST., STE 103, BOISE, ID 83702

Name of claimant(s) Nance Claim ID 63-35326

MAY 01 2023

DEPARTMENT OF
WATER RESOURCES

Candice M. McHugh (ISB #5908)
380 S. 4th St., Ste. 103
Boise, ID 83702
Telephone: (208) 287-0991
Facsimile: (208) 287-0864
cmchugh@mchughbromley.com

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

SUBCASE NO. 63-35326 and 65-35327

CASE NO. 39576

MOTION TO AMEND CLAIM AND NOTICE OF
FILING SECOND AFFIDAVIT OF PUBLICATION

Kevin and Cheryl Nance, by and through their undersigned attorney of record hereby files this Motion to Amend Claim and Notice of Filing Second Affidavit of Publication.

Attached hereto and incorporated herein are Amended Notices of Claim for Claim Nos. 63-35326 and 63-35327. A typographical error existed in the Township description in the original Notices of Claim for both the point of diversion and place of use. The correct Township is 5N which has been corrected by the Claimants in the attached Amended Notices of Claims. The original affidavit of publication also contained a typo in the Township location. Attached hereto as Exhibit A is a Second Affidavit of Publication with the correct Township 5N.

Claimants request that the Court grant this motion to Amend the Claim and accept the correct Second Affidavit of Publication. On or about April 10, 2023 IDWR issued its Notice of Examination for the above listed claims. Claimants request that the examination and report be conducted on the attached Amended Notices of Claims. A copy of this Motion and the required payment has been remitted to IDWR as of the date of this Motion.

DATED this 25th day of April, 2023.


CANDICE MCHUGH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, 25TH day of April, 2023, I served a true and correct copy of the foregoing document via US Mail postage prepaid to the following:

FILED:
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVE. N.
PO BOX 2707
TWIN FALLS, ID 83303-2707

DIRECTOR OF IDWR
DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

CRAIG SAXTON
IDWR
PO BOX 83720
BOISE, ID 83720-0098

Candice M. Hughes

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**

County of Canyon and Ada

70636 339549

1 McHugh Bromley

380 S 4th St., Ste: 103

Boise, ID 83702

SHARON JESSEN

**of the State of Idaho, being of first duly sworn, deposes
and says:**

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 3 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 02/26/2023, 03/05/2023, 03/12/2023



SHARON JESSEN
STATE OF IDAHO

On this 10th day of March, in the year of 2023 before me a Notary Public, personally appeared. SHARON JESSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.



Notary Public of Idaho
My commission expires

06/28/23



LEGAL NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

The following Notice of Claim and Motion for Determination of Deferred De Minimis Domestic or Stock Water Use to a water right has been filed in the Snake River Basin Adjudication.

WATER RIGHT NOS: 63-35326

NAME & ADDRESS: KEVIN L NANCE & CHERYL D. NANCE
2893 N EAGLE RD, EAGLE ID 83616

SOURCE: GROUNDWATER TRIBUTARY:

PRIORITY DATE: 1/1/1940

POINT OF DIVERSION: T5N R1E SECTION 32 SESE
BOISE MERIDIAN

PURPOSE OF USE: DOMESTIC STOCKWATER

PLACE OF USE: T5N R1E SECTION 32 SESE BOISE
MERIDIAN

PERIOD OF USE: 1/1 thru 12/31

QUANTITY: 0.04 CFS

Any objection against the proposed claim must be filed with the Clerk of the District Court, Idaho Water Adjudications, 253 3rd Avenue North, PO Box 2707, Twin Falls, ID 83303-2707 within 45 days from the date of the first publication of this notice

February 26, 2023
March 5, 12, 2023

339549

Idaho Department of Water Resources Receipt

Receipt ID: C116158

Payment Amount	\$200.00	Date Received	5/1/2023	Region	STATE
Payment Type	Check	Check Number	2010		
Payer	MC HUGH BROMLEY PLLC				
Comments	MOTION TO AMEND CLAIM AND NOTICE OF FILING SECOND AFFIDAVIT OF PUBLICATION				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	SRBA DEFERRED DE MINIMIS INVESTIGATION FEE	41503	0337			1155



Signature Line (Department Representative)

RECEIVED

FEB 21 2023

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

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

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

FEB 17 2023

FEB 17 2023

By _____ Clerk

CIVIL CASE NUMBER: 39576

Claim ID: 63-35326

Date Received: 2.21.23

Receipt No: C115364

Claim Fee: 25 By: 104

Deputy Clerk

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

1. Name of claimant(s) KEVIN L. NANCE & CHERYL D. NANCE Phone (208) 9831-7603Mailing address 2893 N EAGLE RD EAGLE ID Zip 83616
Street or Box City State

Email address (optional) _____

2. Date of priority: (Only one per claim) 11/6/2019 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____

which is tributary to (b) _____

4. Location of point of diversion is: Township 4N, Range 1E, Section 32,
SE 1/4 of SE 1/4, or Govt. Lot _____ BM, County of ADA;

Parcel no. _____

Additional points of diversion, if any: THERE IS AN ORIGINAL WELL STILL USED IN THE SAME QQ

If available, GPS coordinates: _____

5. 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.

THE WELL WAS DRILLED IN 2019 FOR A BACK-UP TO THE ORIGINAL WELL AND FOR USE IN THE GUEST HOUSE AND POSSIBLE IRRIGATION IN THE FUTURE. THERE IS A 2 HP PUMP IN THE WELL.

6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

For DOMESTIC purposes from 1/1 to 12/31 amount 0.04 cfs () or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 cfs (✓) or AFY ()

8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)

9. Location of place of use is: Township 4N, Range 1E, Section 32,
SE 1/4 of SE 1/4, Govt. Lot _____ BM, Parcel no. _____
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.

THE ORIGINAL WELL IS STILL USED; THIS WELL WAS DRILLED AS A BACK-UP SUPPLY AND POSSIBLE IRRIGATION IN THE FUTURE. SEE TOO CLAIM or None ()

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

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: _____

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) X Karen Nance Date: 11/29/22
X Cheryl Nance Date: 11/29/22

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) CANDICE M. MCHUGH, 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 Candice MCHUGH Date 2-10-2023

Address MCHUGH BROMLEY, PLLC, 380 S 4TH ST., STE 103, BOISE, ID 83702

Name of claimant(s) Nance Claim ID 63-35326

RECEIVED

FEB 21 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

Subcase 63-35326'

(Insert water right number)

Case No. 39576

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: KEVIN L NANCE & CHERYL D. NANCE

Address: 2893 N EAGLE RD
EAGLE ID 83616

Daytime Phone: 208-287-0911

Name & Address of Attorney, if any:

MCHUGH BROMLEY PLLC

380 S 4TH STG, STE 103

BOISE ID 83702

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

FEB 21 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: _____

Lauren M. [Signature]

Dated: 2/10/2023

CERTIFICATE OF MAILING

I certify that on 2/16/12, 20 ~~23~~ 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

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

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: 63-35326

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

RECEIVED

FEB 21 2023

DEPARTMENT OF
WATER RESOURCES

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

1. Name of claimant(s) KEVIN L. NANCE & CHERYL D. NANCE Phone (208) 9831-7603

Mailing address 2893 N EAGLE RD EAGLE ID Zip 83616
Street or Box City State

Email address (optional) _____

2. Date of priority: (Only one per claim) 11/6/2019 (Explain priority date selected in Remarks)
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4. Location of point of diversion is: Township 4N, Range 1E, Section 32,
SE 1/4 of SE 1/4, or Govt. Lot _____ BM, County of ADA;

Parcel no. _____

Additional points of diversion, if any: THERE IS AN ORIGINAL WELL STILL USED IN THE SAME QQ

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For DOMESTIC purposes from 1/1 to 12/31 amount 0.04 cfs () or AFY ()
Month/Day Month/Day

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 cfs (✓) or AFY ()

8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)

SCANNED

FEB 21 2023

9. Location of place of use is: Township 4N, Range 1E, Section 32,

SE 1/4 of SE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4

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

Additional places of use, if any _____

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

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.

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X Cheryl Nance Date: 11/29/22

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) CANDICE M. MCHUGH, 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 Candice MCHUGH Date 2-10-2023

Address MCHUGH BROMLEY, PLLC, 380 S 4TH ST., STE 103, BOISE, ID 83702

Name of claimant(s) Nance Claim ID 63-35326

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**

County of Canyon and Ada

70636 315023
1 McHugh Bromley

380 S 4th St., Ste: 103
Boise, ID 83702

LEGAL NOTICE

**NOTICE OF CLAIM TO A
WATER RIGHT**

The following Notice of Claim and Motion for Determination of Deferred De Minimis Domestic or Stock Water Use to a water right has been filed in the Snake River Basin Adjudication.

WATER RIGHT NOS:

63-35326

NAME & ADDRESS:

KEVIN L NANCE &

CHERYL D. NANCE

2893 N EAGLE RD,

EAGLE ID 83616

SOURCE: GROUNDWATER

TRIBUTARY:

PRIORITY DATE: 1/1/1940

POINT OF DIVERSION:

T4N R1E SECTION 32 SE SE

BOISE MERIDIAN

PURPOSE OF USE: DO-

MESTIC STOCKWATER

PLACE OF USE: T4N R1E

SECTION 32 SE SE BOISE

MERIDIAN

PERIOD OF USE: 1/1 thru

12/31

QUANTITY: 0.04 CFS

Any objection against the proposed claim must be filed with the Clerk of the District Court, Idaho Water Adjudications, 253 3rd Avenue North, PO Box 2707, Twin Falls, ID 83303-2707 within 45 days from the date of the first publication of this notice.

December 20, 2022 315023

SHARON JESSEN

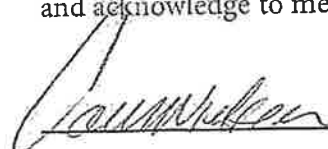
**of the State of Idaho, being of first duly sworn, deposes
and says:**

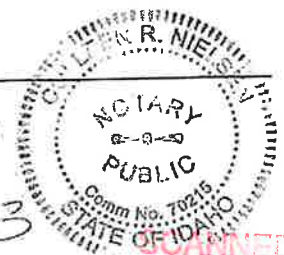
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 3 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 12/20/2022,
12/27/2022, 01/03/2023


SHARON JESSEN
STATE OF IDAHO

On this 6th day of February, in the year of 2023 before me a Notary Public, personally appeared. SHARON JESSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.


Notary Public of Idaho
My commission expires 6/28/23



Idaho Department of Water Resources Receipt

Receipt ID: C115364

Payment Amount	\$25.00	Date Received	2/21/2023	Region	STATE
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Payment Type	Check	Check Number	2008
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Payer MCHUGH BROMLEY PLLC

Comments MOTION FOR DETERMINATION OF DEFERRED DE MINIMUS DOMESTIC OR STOCK WATER USE
WR# 63-35326
FOR: KEVIN L NANCE & CHERYL D NANCE

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	SRBA DEFERRED DE MINIMIS INVESTIGATION FEE	41503	0337			1155



Signature Line (Department Representative)

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

Claim No. 63-35326 & 63-35327

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 29, 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 February 17, 2023, for water right claim nos. 63-35326 & 63-35327. A typographical error existed in the Township description in the original Notices of Claim for both the point of diversion and the place of use. The original affidavit of publication also contained a typo in the Township location. On April 28, 2023, the court received a *Motion to Amend Claim and Notice Of Filing Second Affidavit Of Publication*, which corrected the error in the Township description.

The claimants published notice of the Motion, and the Director has now completed his examination of the water right claims. 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. 63-35326 & 63-35327 are discussed below.

DISCUSSION

Priority Date

The claimed priority date for 63-35326 is November 6, 2019. The claimed priority date is supported by the well driller report for well ID# 456017. The well driller report includes GPS coordinates that place the well on the claimed place of use and within the same legal description claimed as the point of diversion. The completion date listed on the well driller report is November 5, 2019. The priority date for 63-35326 is recommended as claimed.

The claimed priority date for 63-35327 is January 1, 1940. Ada County parcel GIS data lists the built date on the property as 1964. No additional evidence to support the claimed priority date is available. The priority date recommended is 12/31/1964.

Point of Diversion

Claims 63-35326 and 63-35327 each claim a separate point of diversion (well). Both claims identify the point of diversion as being located on Ada County parcel R4238630400, which is located in Township 05N, Range 01E, Section 32, SESE. Ada County parcel data shows that the parcel is owned by Kevin L. Nance and Cheryl D. Nance.

The claimed point of diversion location for 63-35326 is consistent with location listed on well drillers report for well ID# 456017 and is recommended as claimed.

The claimed as the point of diversion for 63-35327 is identified as a well. The claimed priority date associated with the well is old enough that a well driller report is not available. However, the claim record clearly identifies the wells claimed under 63-35326 and 63-35327 as being a different wells located on the same parcel.

Comments on both claims state that the 2019 well also acts as a backup well for the primary home associated with 63-35327. However, the 2019 well cannot be recognized as a valid point of diversion for 63-35327 without a transfer to add a second point of diversion. Only the historic well dating back to, at least, 1964 is recommended as a point of diversion for 63-35327.

Source

The claimed source claimed both 63-35326 and 63-35327 is "ground water". The claimed source of ground water for claim 63-35326 is supported by the well driller report for well ID# 456017 which is applicable to the parcel claimed as the place of use.

Claim 63-35326 identifies the source as a well. Water diverted from a well is described as ground water.

The source for both 63-35326 and 63-35327 is recommended as claimed.

Place of Use

The claimed place of use for both 63-35326 and 63-35327 is located on Ada County parcel R4238630400. The location of the place of use is described as Township 05N, Range 01E, Section 32, SESE. According to the Ada County parcel data, Kevin L. Nance and Cheryl D. Nance own the property described as the claimed place of use. Ada county parcel data lists a built date of 1964 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 for 63-35326 and 63-35327 both list the use as domestic use for 1 home. Based on the priority dates claimed for each claim and the comments listed under Item #4 and Item #5 on the claims, evidence indicates that the domestic use claimed under 63-35326 is for the “guest home” while the domestic use claimed under 63-35327 is for the original domestic use established by 1964.

Domestic structures visible on the claimed place of use in available aerial photography. The claimed purpose of use for both 63-35326 and 63-35327 is recommended as claimed.

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

Quantity

The claimed quantity for 63-35326 is 0.04 cubic feet per second (“cfs”) and the claimed quantity for 63-35327 is 0.04 cfs. The claimed diversion rate for both claims is within the typical range of diversion rates associated with domestic use for a single household. IDWR’s

Application Processing Memorandum #22 lists a typical diversion rate for a single household at 0.04 cfs. The quantity is recommended as claimed. Both 63-35326 and 63-35327 will include a condition limiting use of both rights in combination to 13,000 gallons per day.

CONCLUSION

There is sufficient evidence to recommend water right claim no. 63-35326 & 63-35327 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. 63-35326 & 63-35327, which includes the recommendation of deferred *de minimis* water right no. 63-35326 & 63-35327.

Respectfully submitted this 29th day of January, 2024.



CRAIG L SAXTON
Manager, Adjudication Section

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

RIGHT NUMBER: 63-35326

NAME AND ADDRESS: CHERYL NANCE
2893 N EAGLE RD
EAGLE ID 83616

KEVIN NANCE
2893 N EAGLE RD
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under Right Nos. 63-35326 and 63-35327 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/06/2019

POINT OF DIVERSION: T05N R01E S32 SESE Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC in ADA County

T05N R01E S32 SESE

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

Property is also known as Lot 4, Block 1, Inspiration Point Subdivision.

Parcel No(s). R4238630400

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

RIGHT NUMBER: 63-35327

NAME AND ADDRESS: CHERYL NANCE
2893 N EAGLE RD
EAGLE ID 83616

KEVIN NANCE
2893 N EAGLE RD
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under Right Nos. 63-35326 and 63-35327 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1964

POINT OF DIVERSION: T05N R01E S32 SESE Within ADA 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 ADA County
T05N R01E S32 SESE

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(s). R4238630400

Property is also known as Lot 4, Block 1, Inspiration Point Subdivision.

CERTIFICATE OF SERVICE

I certify that on January 30, 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

Candice M. McHugh
McHugh Bromley PLLC
380 4th St. Ste 103
Boise ID 83702

☐ 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

John Harris

Signature of person delivering form

State of Idaho
Department of Water Resources
Adjudication Recommendation
63-35326



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion
-  State Outline

Memorandum

Date: January 19, 2024

From: Craig L. Saxton

To: 63-35326, 63-35327

RE: Built date information for claimed POU

Main Menu		Residential Characteristics for Parcel R4238630400	
Home		Back to Parcel Search	
Assessor Main Page		Year Built:	2018
Help Index		Year Remodel:	0
FAQ		Number of Bedrooms:	3
About Us		Number of Bathrooms:	2.5
Contact Us		Number of FirePlaces:	1
Disclaimer		Air Conditioning:	Y
Property Search		Car Storage Sq Ft #1:	908
Search by Parcel		Car Storage Sq Ft #2:	0
Search by Address		General Purpose Building Sq Ft:	975
Search by Subdivision		Porch Sq Ft:	186
Online Documents		Deck Sq Ft:	0
Interactive Map		Deck Covered:	N
		Patio Sq Ft:	588
		Patio Covered:	Y
		Pool Sq Ft:	820
		Total Sq Ft:	4146
		Main Floor Sq Ft:	3004
		Upper Floor Sq Ft:	0
		Finished Lower Floor Sq Ft:	0
		Unfinished Lower Floor Sq Ft:	0
		Finished Basement Floor Sq Ft:	0
		Unfinished Basement Floor Sq Ft:	0
		Finished Attic Sq Ft:	1142
		Unfinished Attic Sq Ft:	0
		Year Built:	1964
		Year Remodel:	2022
		Number of Bedrooms:	1
		Number of Bathrooms:	1.0
		Number of FirePlaces:	0
		Air Conditioning:	N
		Car Storage Sq Ft #1:	0
		Car Storage Sq Ft #2:	0
		General Purpose Building Sq Ft:	0
		Porch Sq Ft:	0
		Deck Sq Ft:	0
		Deck Covered:	N
		Patio Sq Ft:	0
		Patio Covered:	N
		Pool Sq Ft:	0
		Total Sq Ft:	912
		Main Floor Sq Ft:	912
		Upper Floor Sq Ft:	0
		Finished Lower Floor Sq Ft:	0
		Unfinished Lower Floor Sq Ft:	0
		Finished Basement Floor Sq Ft:	0
		Unfinished Basement Floor Sq Ft:	0
		Finished Attic Sq Ft:	0
		Unfinished Attic Sq Ft:	0

Ada County parcel information.

SCANNED

*** CORRECTED ***
LOK

DEC 10 2019

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Drilling Permit No. 891009 ✓
Water right or injection well # 63-34754

Name Oscar Luna
Address 2893 N. Eagle Rd.
City Eagle State ID. Zip 83616

Twp. 5 North ☒ or South ☐ Rge. 1 East ☒ or West ☐
Sec. 32

Gov't Lot _____ County **ADA**
Lat. **43** _____ **43.298°N** _____ (Deg. and Decimal minutes)
Long. **116** _____ **21.344°W** _____ (Deg. and Decimal minutes)
Address of Well Site **Same**

City Eagle
(Enter at least name of road - Distance to Road or Landmark)
Lot. 4 Blk. 1 Sub. Name Inspiration Point Sub.

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other

☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
3/8 Bentonite	0	51	1200 lbs.	10" Overbore
Bentonite Grout	232	244	200 lbs.	Overbore Pumped

Diameter (nominal)	From (ft)	To (ft)	Gauge/ Schedule	Material	Casing	Liner	Threaded	Welded
6"	2	286	.250	Steel	☒	☐	☐	☒
5"	275	286	.258	Steel	☐	☒	☐	☒
					☐	☐	☐	☐
					☐	☐	☐	☐

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 297"

Perforations ☐ Y ☒ N Method _____
 Manufactured screen ☒ Y ☐ N Type Alloy _____
 Method of installation Washdown _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
286	296	.018	10'	5"	Stainless	304

Length of Headpipe 11' Length of Tailpipe 7'

Packer ☒ Y ☐ N Type Rubber K-Packer

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method
N/A				

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____
Describe control device _____

Depth first water encountered (ft) _____ Static water level (ft) 120'
Water temp. (°F) Cold Bottom hole temp. (°F) _____
Describe access port 6" Turtle Cap

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
180'	100 GPM	1 HR

Pump	Ball	Air	Flowing artesian
☐	☐	☒	☐
☐	☐	☐	☐

Water quality test or comments:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10"	0	5	Top Soil		X
	5	12	Coarse Sand		X
	12	33	Sandy Clay		X
	33	46	Tan Clay		X
	46	54	Sandy Clay		X
6"	54	76	Gravel		X
	76	88	Tan Clay		X
	88	117	Sandy Clay		X
	117	124	Tan Clay		X
	124	135	Coarse Sand	X	
	135	143	Tan Clay		X
	143	160	Coarse Sand	X	
	160	171	Tan Clay		X
	171	178	Coarse Sand	X	
	178	181	Tan Clay		X
	181	188	Sandy Clay		X
	188	192	Tan Clay		X
	192	199	Coarse Sand	X	
	199	201	Tan Clay		X
	201	224	Sandy Gravel	X	
	224	227	Tan Clay		X
	227	232	Coarse Sand	X	
12"	232	244	Tan Clay		X
6"	244	261	Fine Sand	X	
	261	262	Tan Clay		X
	262	284	Med Sand	X	
	284	286	Tan Clay		X
	286	297	Med Sand	X	

Completed Depth (Measurable): 297

Date Started: Sep 17, 2019 Date Completed: Nov 5, 2019

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name **Dennis Phipps Well Drilling In** Co. No. **332**

*Principal Driller  Date Nov 6, 2019

*Driller _____ Date Nov 6, 2019

*Operator II Randel Phin Date Nov 6, 2019

Operator I Date Nov 6, 2019

* Signature of Principal Driller and rig operator are required.

SCANNED

From: [C McHugh](#)
To: [Saxton, Craig](#)
Cc: [Rammell-O'Brien, Lacey](#); [Klay, Jared](#)
Subject: RE: Motions for Determination of Deferred De Minimis Domestic and Stock claims 63-35326 & 63-35327 (Nance)
Date: Friday, February 24, 2023 1:12:23 PM

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I will be filing a motion to amend the claim and to notify the Court that a corrected notice is being published and that a new affidavit of publication will be filed once that is submitted to set a hearing. I spoke with Paul and Janet at the Court about this process.

As to the claim itself; I will have them interlineate and initial with a date the correct legal description – will that work?

From: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Sent: Wednesday, February 22, 2023 4:52 PM
To: Candice McHugh <cmchugh@mchughbromley.com>
Cc: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>; Klay, Jared <jared.klay@idwr.idaho.gov>
Subject: Motions for Determination of Deferred De Minimis Domestic and Stock claims 63-35326 & 63-35327 (Nance)

Hello Candice,

We received claims 63-35326 and 63-35327 filed through a “*Motion for determination...*”, in the SRBA. When doing the data entry, we discovered that the POD and POU descriptions for both claims is off a township.

The claimed POD and POU for both claims is in **T4N**, R1E, S32, SESE. I believe that the Nance’s parcel is in **T5N**, R1E, S32, SESE.

My initial thought was that we just need to amend the claims, but, unfortunately, it looks like it was advertised incorrectly in **T4N** as well.

In similar situations in the past, the court has instructed the claimant to resend the corrected/amended claim to all parties on the certificate of service. In addition, the claim should be re-advertised with the updated PLS description. I assume that is the procedure your client will want to follow, but you can always contact the court to confirm.

For now, I will hold off on moving forward to submit a Notice of Examination until we receive an amended claim/affidavit of publication.

SCANNED

Thanks,

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov
208.287.4916

