

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

Claim No. 86-12169

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

September 18 , 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 August 29, 2023, for water right claim no. 86-12169. 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 Jared Klay, 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 no. 86-12169 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is November 1, 1994. The claimant submitted a notarized affidavit affirming that Robert and Rose Parks, who are former owners of the property, had a residence on the property in 1994. The claimant's attorney also affirmed in an email that the Parks had a mobile home on the property in 1994. Additionally, a well driller report for Permit No. 746606 in the name of Rose Parks shows a completion date of August 4, 1994. The priority date is recommended as November 1, 1994.

Point of Diversion

The claimed point of diversion is located on Latah County parcel RP39N03W190502. The claimed point of diversion is described as Township 39 North, Range 03 West, Section 19,

NENE. According to Latah County parcel data, Scott Nuismer owns the property at the point of diversion. The point of diversion is recommended as claimed.

Source

The claimed source is "ground water". The documents in the claim file support the claimed source as a well. The source for water diverted from a well is described as ground water. The source claimed under 86-12169 is recommended as claimed.

Place of Use

The claimed place of use is located on Latah County parcel RP39N03W190502. The claimed place of use is described as Township 39 North, Range 03 West, Section 19, NENE. According to Latah County parcel data, Scott Nuismer owns the property described as the claimed place of use. 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 varied livestock, indicated as presently six goats.

Aerial photography available to IDWR supports domestic and stockwater use because domestic structures are visible on the claimed place of use. The claimed year-round season of use for domestic and stockwater is recommended as claimed.

Quantity

The total claimed quantity is 0.04 cubic feet per second ("cfs") which is within the typical range of diversion rates associated with domestic and stockwater use according to Appendix 1 of IDWR's Application Processing Memorandum #22. Specifically, 0.02 cfs was claimed for domestic use and 0.02 cfs was claimed for stockwater use. The total quantity recommended is 0.04 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim 86-12169, 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. 86-12169, which includes the recommendation of deferred *de minimis* water right no. 86-12169.

Respectfully submitted this 18th day of September, 2024.



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on SEPTEMBER 18, 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 & 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
522 S Adams Street
Moscow, ID 83843

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

James Browitt
Browitt Law Office
1317 Prospect Ave
Lewiston, ID 83501

☐ 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

A handwritten signature in dark ink, appearing to read "In Schud", written over a horizontal line.

Signature of person delivering form

05/19/2024

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

RIGHT NUMBER: 86-12169

NAME AND ADDRESS: SCOTT NUISMER
1750 HIGHWAY 89
TRON ID 83874

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 11,000 gallons per day.

PRIORITY DATE: 11/01/1994

POINT OF DIVERSION: T39N R03W S19 NE NE Within LATAH County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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:

BENEFICIAL IN LATAH COUNTY
T39N R03W S19 NE NE
STOCKWATER IN LATAH COUNTY
T39N R03W S19 NE NE

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

Stockwater use is for 8 head of mixed stock.

Parcel No. RP39N03W190502.