

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

OCT 21 2024

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

By _____ Clerk
Deputy Clerk

Claim No. 86-12177

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**

October 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 April 12, 2024, for water right claim no. 86-12177. The Claimant 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, Senior 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. 86-12177 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is February 28, 1995. Aerial imagery from 1992 shows evidence of a domestic structure at the claimed POU. Well Driller's Report (Drilling Permit no. 86-94-N-4, Well ID: 280718) shows a well was drilled on the claimed priority date for a previous owner of the claimed POU. The priority date is recommended as February 28, 1995, consistent with imagery and driller report evidence.

Point of Diversion

The point of diversion was originally claimed in Township 39 North, Range 03 West, Section 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$. The claimant later provided an additional map, identifying the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, on Latah County parcel RP39N03W061956. The location of the recommended point of diversion is described as Township 39 North, Range 03 West, Section 6,

SE¼NE¼.

Source

The source claimed is “ground water”. This point of diversion was verified using Well Driller’s Report (Drilling Permit no. 86-94-N-4 - Well ID: 280718). The source is recommended as claimed.

Place of Use

The place of use was originally claimed in Township 39 North, Range 03 West, Section 6, SE¼NE¼. A plat map was included in the claim submission that shows the place of use in the SE¼NE¼, on parcel RP39N03W061956. The location of the place of use is described as Township 39 North, Range 03 West, Section 6, SE¼NE¼. According to the Latah County parcel data, Elena Watson owns the property described as the claimed place of use. The place of use is recommended based on Latah County parcel data.

Purpose of Use and Period of Use

The claimed purpose of use is for domestic use for one (1) home as well as stockwater for 4 horses. Evidence of domestic structures and a secondary structure are visible on available aerial photography. A year-round season of use for domestic and stockwater use is generally recommended if claimed. The season of use for domestic and stockwater use is recommended as claimed.

Quantity

The claimed quantity is 0.04 cubic feet per second (“cfs”) but Well Driller’s Report (Drilling Permit no. 86-94-N-4 - Well ID: 280718) shows a production rate of 7 gallons per minute (“gpm”). According to IDWR’s Water Conversion Factors¹, 9 gpm is equivalent to 0.02

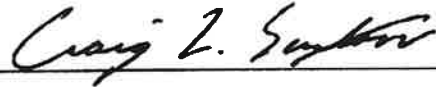
¹ IDWR’s Water Conversion Factors: <https://idwr.idaho.gov/wp-content/uploads/sites/2/water-measurement/Water-Conversion-Factors.pdf>

cfs. The quantity is recommended as 0.02 cfs based on the information above.

CONCLUSION

There is sufficient evidence to recommend water right claim no. 86-12177 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. 86-12177, which includes the recommendation of deferred *de minimis* water right no. 86-12177.

Respectfully submitted this 18th day of October, 2024.

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

CRAIG L SAXTON
Manager, Adjudication Section

10/18/2024

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

RIGHT NUMBER: 86-12177

NAME AND ADDRESS: ELENA WATSON
1040 ORCHARD LOOP RD
TROY ID 83871

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: 02/28/1995

POINT OF DIVERSION: T39N R03W S6 SENE 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
T39N R03W S06 SENE
STOCKWATER in LATAH County
T39N R03W S06 SENE

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. RP39N03W061956.

Stockwater use is for 4 horses.

CERTIFICATE OF SERVICE

I certify that on OCTOBER 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 and Natural Resources Div.
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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☐ Hand-Delivered
☐ E-mail

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

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Latah County Courthouse
522 S Adams St
Moscow, ID 83871

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Elena Watson
1040 Orchard Loop Rd
Troy, ID 83871

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☒ Regular Mail
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☐ E-Mail

U.S. Attorney's Office
1290 West Myrtle Street
Suite 500
Boise, ID 83702

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

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Signature of person delivering form