

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

Claim No. 75-15064

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 4, 2023

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 no. 75-15064. 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 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. 75-15064 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is May 1, 1968. Lemhi County parcel data shows a built date of 1969 supporting the claimant's statement in the claim file that the claimed priority date of May 1, 1968, is when the spring was developed, and pipeline was installed which delivered water to her home.¹ The priority date is recommended as claimed.

Point of Diversion

The claimed point of diversion is located on Latah County parcel RP000690080130. The location of the claimed point of diversion is described as Township 19 North, Range 21 East, Section 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

¹ The "build date" reflects the first year the county tax records are updated which can be up to a year after the residence was constructed. IDWR will commonly accept the "build date" as evidence of development up to one year prior to what is shown on the county records in lieu of conflicting evidence.

This claim was filed in connection with settlement of protests filed to Transfer Application 87151 and Application for Permit 75-15061 which revolve around use of the spring that is described as the claimed point of diversion for 75-15064. James Cefalo, Regional Manager of the Eastern Regional office of IDWR, has been working with the parties to reach settlement to the disputes, and is familiar with the claimed point of diversion location. I spoke with Mr. Cefalo on October 2, 2023, to verify the location of the point of diversion. He explained that the collection area of the spring water extended from Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) into the SW $\frac{1}{4}$ NE $\frac{1}{4}$. Because of the location of the spring being so close to quarter-quarter boundaries, Mr. Cefalo recommended that the point of diversion be described in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2. Claim 75-15064 only describes the point of diversion location to a 40-acre tract (SW $\frac{1}{4}$ NE $\frac{1}{4}$), however, to be consistent with the other rights that share the spring as a point of diversion, I described the recommended point of diversion to a 10-acre tract described as the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2.

Source

The source claimed is “spring” tributary to “Lake Creek”. This point of diversion is shared with multiple rights that describe the source as “spring”, and the tributary of Lake Creek was verified using USGS Quadrangle maps. The source is recommended as claimed.

Place of Use

The claimed place of use is located on Latah County parcel RP00068004002A. The location of the place of use is described as Township 19 North, Range 21 East, Section 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and Township 19 North, Range 21 East, Section 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$. According to the Latah County parcel data, Sadie Barrett 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. In addition to the county data listing a built date of 1969, evidence of domestic structures is visible on available aerial photography. A year-round season of use for domestic use is generally recommended if claimed. The season of use for domestic use is recommended as claimed.

Quantity

The claimed quantity is 0.04 cubic feet per second ("cfs") and is within the typical range of diversion rates associated with domestic use². The quantity is recommended as claimed.

CONCLUSION

There is sufficient evidence to recommend water right claim 75-15064, as claimed, 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. 75-15064, which includes the recommendation of deferred *de minimis* water right no. 75-15064.

Respectfully submitted this 4th day of October, 2023.



CRAIG L SAXTON
Manager, Adjudication Section

² See IDWR's Application Processing Memo #22.

AMENDED CERTIFICATE OF SERVICE

I certify that on December 13, 2023, 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

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2. Copies to:

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Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

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206 Courthouse Dr
Salmon, ID 83467

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Sadie Barrett
10 Riverside Dr.
Salmon, ID 83467

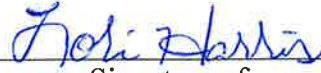
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