

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

Claim No. 83-11998

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 November 8, 2022, for water right claim no. 83-11998. 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. 83-11998 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is June 15, 1950. Current Clearwater County parcel GIS data is missing the year-built date, however, Clearwater County parcel GIS data, dated 6/4/2010, lists the year-built data as 1949. In addition, further research found that Zillow listed the year-built date as 1949, consistent with the 2010 parcel data.

The priority date is recommended as June 15, 1950.

Point of Diversion

The claim included a map that clearly identifies the location of the point of diversion. The claim map places the point of diversion on Clearwater County parcel RP37N01E340001 which is owned by the US Corp of Engineers. The location of the point of diversion identified on the claim map is described as Township 37 North, Range 01 East, Section 34, Government

Lot No. 3., NESW. The point of diversion is recommended as claimed with the exception that the claim didn't include the government lot designation which IDWR has now included on the recommendation.

Source

The source claimed is "North Fork Clearwater River" tributary to "Clearwater River".

The source claimed under water right claim no. 83-11998 is recommended as claimed.

Place of Use

The claimed place of use is located on Clearwater County parcel RP37N01E344950. The location of the place of use is described as Township 37 North, Range 01 East, Section 34, NESW, Govt Lot No. 3. According to the Clearwater County parcel data, Richard & Lucinda Downing own 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 up to one-half acre of irrigation.

Aerial photography available to IDWR through our GIS system supports domestic use because domestic structures are visible on the claimed place of use.

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") which is within the typical range of diversion rates associated with domestic use according to Appendix 1 of IDWR's Application Processing Memorandum #22. The quantity recommended is 0.04 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim no. 83-11998, 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. 83-11998, which includes the recommendation of deferred *de minimis* water right no. 83-11998.

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

Clearwater County Courthouse
150 Michigan Avenue
Orofino, ID 83544

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

Richard & Lucinda Downing
P.O. Box 91
Ahsahka, ID 83520

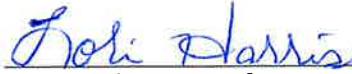
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U.S. Attorney's Office
1290 West Myrtle Street
Suite 500
Boise, ID 83702

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

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

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Signature of person delivering form

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

RIGHT NUMBER: 83-11998

NAME AND ADDRESS: LUCINDA L DOWNING
PO BOX 91
AHSAHKA ID 83520

RICHARD J DOWNING
PO BOX 91
AHSAHKA ID 83520

SOURCE: NORTH FORK CLEARWATER RIVER TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 06/15/1950

POINT OF DIVERSION: T37N R01E S34 NESW Lot 3 Within CLEARWATER 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 CLEARWATER County
T37N R01E S34 Lot 3 NESW

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

Point of Diversion Parcel No. RP37N01E340001. Place of Use Parcel No. RP37N01E344950.