

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

Claim No. 78-12312

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

February 7, 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 July 21, 2023, for water right claim no. 78-12312. 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 Jared Klay, Water Resource Agent, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim no. 78-12312 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is January 1, 1880. No evidence was submitted by the claimant to support this priority date. Neither a search of Adams County public records nor a search of historical BLM patents, found evidence that supports the claimed priority date.

However, water right no. 78-2055 is an irrigation water right owned by the claimant, that is from the same source and describes the same place of use as claim no. 78-12312. The documents in the backfile include a Report of Engineer confirming that a licensing field exam verifying beneficial use in connection with water right no. 78-2055 was conducted on August 25, 1955. It is reasonable to assume that the timeline of stockwater use correlated with the irrigation use authorized by water right no. 78-2055.

The priority date for claim no. 78-12312 is recommended as August 25, 1955, which is

the date the licensing field examination was conducted and beneficial use under water right no. 78-2055 was confirmed.

Point of Diversion

The claimed points of diversion are located on Adams County parcel numbers RP20N01E351801 and RP20N01E363601. The claimed points of diversion represent the beginning and ending points of two connected stream segments. The location of the points of diversion are described as being located within Township 20 North, Range 01 East, Section 36, SWNW, SESW, and NESW. According to Adams County parcel data, Jeanne Wallace owns the property at the points of diversion. The points of diversion are recommended as claimed.

Source

The source claimed is “Little Salmon River” tributary to “Salmon River” and “Martin Creek” tributary to “Little Salmon River”. IDWR verified the claimed source names using USGS topographic maps. Using aerial imagery and USGS topographic maps available to us through our GIS system, IDWR was able to verify that both sources are located on the claimant’s property. The sources claimed under claim no. 78-12312 are recommended as claimed.

Place of Use

The claimed place of use is located on Adams County parcels RP20N01E363601 and RP20N01E351801. The location of the place of use is within Township 20 North, Range 01 East, Section 35 and Section 36. The claimed place of use includes the Public Land Survey description for each portion that the stream passes through between the beginning and ending points of diversion. According to the Adams County parcel data, Jeanne Wallace 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 stockwater use for up to 350 range cattle.

Aerial photography available to IDWR through our GIS system shows domestic structures on the property and supports stockwater use.

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

Quantity

The claimed quantity is 0.09 cubic feet per second ("cfs") for up to 350 range cattle.

Diversion rates for *de minimis* stockwater rights for in-stream use is limited to a diversion rate of 0.02 cfs¹. The total quantity recommended is 0.02 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim no. 78-12312 for 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. 78-12312, which includes the recommendation of deferred *de minimis* water right no. 78-12312.

Respectfully submitted this 7th day of February, 2024.



CRAIG L SAXTON
Manager, Adjudication Section

¹ *Adjudication Memo #58 Diversion Rates for de minimis Stockwater Rights* states "For de minimis instream stockwater rights, the maximum diversion rate cannot exceed 0.02 cfs."

CERTIFICATE OF SERVICE

I certify that on February 7, 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, 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

Adams County Courthouse
201 Industrial Ave
Council, ID 83612

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

Jeanne Wallace
704 Mann Creek
Weiser, ID 83672

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

Roger Wilbur
5466 N Quail Summit Pl
Boise, ID 83703-2868

☐ 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



Signature of person delivering form

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

RIGHT NUMBER: 78-12312

NAME AND ADDRESS: JEANNE W WALLACE
704 MANN CREEK
WEISER ID 83672

ROGER WILBUR
5466 N QUAIL SUMMIT PL
BOISE ID 83703-3868

SOURCE: LITTLE SALMON RIVER
MARTIN CREEK

TRIBUTARY: SALMON RIVER
TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 08/25/1955

POINT OF DIVERSION: T20N R01E S36 SWNW Begin of Stream Flow Within ADAMS County
T20N R01E S36 SESW End of Stream Flow Within ADAMS County
T20N R01E S36 NESW Begin of Stream Flow Within ADAMS County
T20N R01E S36 SESW End of Stream Flow Within ADAMS County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

<u>STOCKWATER in ADAMS County</u>			
T20N	R01E	S35	SENE
T20N	R01E	S36	SWNW
T20N	R01E	S36	NWSW
T20N	R01E	S36	SESW

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 350 mixed range cattle and horses.

Parcel No. RP20N01E351801 and RP20N01E363601.