

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

Claim No. 75-15065

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 L. Saxton, Manager, Adjudication Section

May 22, 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 February 17, 2023, for water right claim no. 75-15065. 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 L. 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. 75-15065 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is May 1, 1968. Lemhi County parcel data shows a built date of 1971. The home is visible on 1974 imagery. The priority date is recommended as May 1, 1971, consistent with the county parcel records.

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 $\frac{1}{4}$.

This claim appears to have been 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 claim no. 75-15065. James

Cefalo, Regional Manager of the Eastern Regional office of IDWR, worked with the parties to reach settlement to the disputes over the use of the spring, and is familiar with the claimed point of diversion location. I spoke with Mr. Cefalo on October 2, 2023¹, 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 $\frac{1}{4}$. Due to the close proximity of the spring 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 no. 75-15065 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 RP000680040100A. The location of the place of use is described as Township 19 North, Range 21 East, Section 1, Government Lot 9 (NW $\frac{1}{4}$ SW $\frac{1}{4}$). According to the Latah County parcel data, William Kittrell 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 one (1) home. In addition to the

¹ My conversation with Mr. Cefalo was initiated during the review of claim no. 75-15064, which also claims use from the same spring/point of diversion claimed under claim no. 75-15065.

county data listing a built date of 1971, 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 no. 75-15065, 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. 75-15065, which includes the recommendation of deferred *de minimis* water right no. 75-15065.

Respectfully submitted this 22nd day of May, 2024.


CRAIG L SAXTON
Manager, Adjudication Section

² See IDWR’s Application Processing Memo #22.

CERTIFICATE OF SERVICE

I certify that on May 23, 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 Fax

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

Lemhi County Courthouse
206 Courthouse Dr
Salmon, ID 83467

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

William Kittrell
607 Courthouse Dr
Salmon, ID 83467

☐ 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: 75-15065

NAME AND ADDRESS: WILLIAM KITTRELL
607 COURTHOUSE DR
SALMON ID 83467

SOURCE: SPRING

TRIBUTARY: LAKE CREEK

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 05/01/1971

POINT OF DIVERSION: T19N R21E S2 NESWNE Within LEMHI 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 LEMHI County
T19N R21E S01 Lot 9 NWSW

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

Point of Diverssion parcel no. RP000690080130. Place of use parcel no. RP000680040100

Property is also known as Lot 10, Block 4, Lake Creek Subdivision Amended.