

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

SEP 23 2024

By _____ Clerk
_____ Deputy Clerk

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

Claim No. 85-15853

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

September 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 September 8, 2023, for water right claim no. 85-15853. 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. 85-15853 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is May 1, 1995. Nez Perce County parcel data shows a year-built date of 1995 for the property. Additionally, a well driller report for Permit ID 745258 in the name of Ron and Trina Huff shows a completion date of October 15, 1994. The priority date is recommended as May 1, 1995.

Point of Diversion

The claimed point of diversion is located on Nez Perce County parcel RP36N02W314761. The claimed point of diversion is described as Township 36 North, Range 02 West, Section 31, NESW. According to Nez Perce County parcel data, Trina Huff owns the property at the point of diversion. The point of diversion is recommended as claimed.

Source

The claimed source is “ground water”. The well driller report for Permit ID 745258 in the name of Ron and Trina Huff showing a completion date of October 15, 1994, supports the claimed source as a well. The source for water diverted from a well is described as ground water. The source claimed under 85-15853 is recommended as claimed.

Place of Use

The claimed place of use is described as Township 36 North, Range 02 West, Section 31, SENW and NESW. Upon initial review, it appeared that a portion of the place of use for stockwater, a barn, located in the SENW on parcel RP36N02W312401, is not owned by the claimant. Nez Perce County parcel data indicates that the parcel is owned by Leroy & Jewel Steigers Revocable Trust. On August 19, 2024, the claimant’s attorney confirmed by e-mail that the claimants do own the land on which the barn is located and that water from the well is piped to the barn. 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 stockwater use for 12 horses and goats.

Aerial photography available to IDWR supports domestic and stockwater use because domestic structures and a fenced pasture are visible on the claimed place of use. The claimed year-round season of use for domestic and stockwater is recommended as claimed.

Quantity

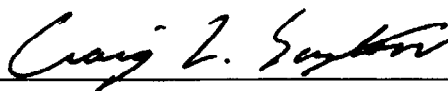
The claimed quantity is 0.04 cubic feet per second (“cfs”) which is within the typical range of diversion rates associated with domestic and stockwater use according to Appendix 1 of IDWR’s Adjudication Memorandum #22. Specifically, 0.02 cfs was claimed for domestic use

and 0.02 cfs was claimed for stockwater use. The total quantity recommended is 0.04 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim 85-15853, as claimed, 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. 85-15853, which includes the recommendation of deferred *de minimis* water right no. 85-15853.

Respectfully submitted this 18th day of September, 2024.



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on SEPTEMBER 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 & 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

Nez Perce County Courthouse
1230 Main St
Lewiston, ID 83501

Overnight Mail
 Regular Mail
 Hand-Delivered
 E-mail

James Browitt
Browitt Law Office
1317 Prospect Ave
Lewiston ID 83501

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

A handwritten signature in black ink, appearing to be 'J. S. ...', written above a horizontal line.

Signature of person delivering form

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

RIGHT NUMBER: 85-15853

NAME AND ADDRESS: RONALD D HUFF
30831 KETTENBACH GRADE
CULDESAC ID 83524

TINA MADELINE HUFF
30831 KETTENBACH GRADE
CULDESAC ID 83524

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 05/01/1995

POINT OF DIVERSION: T36N R02W S31 NESW Within NEZ PERCE 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:

<u>DOMESTIC in NEZ PERCE County</u>			
T36N R02W S31	SENW	T36N R02W S31	NESW
<u>STOCKWATER in NEZ PERCE County</u>			
T36N R02W S31	SENW	T36N R02W S31	NESW

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 12 horses and goats.

Point of Diversion Parcel No. RP36N02W314761. Place of Use Parcel No. RP36N02W312401 & RP36N02W314761.