

457

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

OCT 21 2024

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

By



Clerk

Deputy Clerk

**Claim No. 63-35068**

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, Section Manager, Adjudication Section

October 17, 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 January 31, 2024, for water right claim no. 63-35068. 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 Scott Luvaas, Senior 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. 63-35068 are discussed below.

### **DISCUSSION**

#### **Ownership**

Claim 63-35068 was filed in the name of Edward A Rose Jr. However, Ada County parcel data indicates that the parcel is owned by the *Rose Family Trust*. On September 19, 2024, IDWR received an amended claim that changed ownership of claim 63-35068 to the *Rose Family Trust*.

#### **Priority Date**

The claimed priority date is December 1, 1998. Ada County parcel data shows a built date of 1998. The priority date is recommended as December 1, 1998, consistent with available evidence.

#### **Point of Diversion**

The claimed point of diversion is located on Ada County parcel R5782850100 which

according to available Ada County parcel data, is owned by the Rose Family Trust. The claim identifies the point of diversion location using GPS coordinates. The coordinates place the point of diversion location in Township 05 North, Range 01 West, Section 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , which is on parcel R5782850100. The point of diversion location is recommended as Township 05 North, Range 01 West, Section 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

### **Source**

The source claimed is “ground water”. Item 5 on the claim describes the source as a “Domestic well”. The source for water diverted from a well is described as ground water. The source is recommended as claimed.

### **Place of Use**

The claimed place of use is located on Ada County parcel R5782850100. The location of the place of use is described as Township 05 North, Range 01 West, Section 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$ . According to the Ada County parcel data, Rose Family Trust owns the property described as the claimed place of use. The place of use is recommended as claimed based on Ada County parcel data.

### **Purpose of Use and Period of Use**

The claimed purpose of use is for domestic use for one (1) home as well as stockwater use for 10 horses. Evidence of a domestic structure and a secondary structure are visible on available aerial imagery. The purpose of use is recommended as claimed. A year-round season of use for domestic and stockwater use is generally recommended if claimed. The season of use for domestic and stockwater use is recommended as claimed.

### **Quantity**

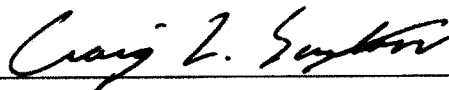
The claimed quantity is 0.24 cubic feet per second (“cfs”) for domestic use and 0.02 cfs

for stockwater use. The standard quantity for domestic use is 0.04 cfs<sup>1</sup> and the standard quantity for stockwater use for 10 head is 0.02 cfs<sup>2</sup>. No evidence is available to support the claimed quantity. The quantity is recommended as 0.04 cfs for domestic and 0.02 cfs for stockwater, with a total quantity of 0.06 cfs, based on the information above.

### CONCLUSION

There is sufficient evidence to recommend water right claim no. 63-35068. 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. 63-35068, which includes the recommendation of deferred *de minimis* water right no. 63-35068.

Respectfully submitted this 17<sup>th</sup> day of October, 2024.



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CRAIG L SAXTON  
Manager, Adjudication Section

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<sup>1</sup> IDWR's Application Processing Memorandum #22.

<sup>2</sup> IDWR's Application Processing Memo No. 3.

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

RIGHT NUMBER: 63-35068

NAME AND ADDRESS: ROSE FAMILY TRUST  
11611 W LANKTREE GULCH RD  
STAR ID 83669

SOURCE: GROUND WATER                                      TRIBUTARY:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 12/01/1998

POINT OF DIVERSION: T05N R01W S31 SWNE Within ADA 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
	STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER in ADA County  
T05N R01W S31 SWNE  
DOMESTIC in ADA County  
T05N R01W S31 SWNE

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  
Parcel No. R5782850100.

Stockwater use is for 10 horses.

Property is also known as Lot 10, Block 1, Monument Ridge Ranch Subdivision.

CERTIFICATE OF SERVICE

I certify that on OCTOBER 17, 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

Ada County Courthouse  
200 W Front St  
Boise, ID 83702

Overnight Mail  
 Regular Mail  
 Hand-Delivered  
 E-mail

Rose Family Trust  
11611 W Lanktree Gulch Rd  
Star, ID 83669

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 read "J. Schul", written above a horizontal line.

Signature of person delivering form