

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 24 2023	
By _____	Clerk
	Deputy Clerk

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

**Claim No. 86-12133**

In Re SRBA  
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
Gary Spackman, Director  
Craig Saxton, Manager, Adjudication Section

February 22, 2023

## **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 under water right claim no. 86-12133. The claimants, Melynda & Rory Ward, published notice of the Motion, and the Director has now completed his examination of the water right claim. The examination was conducted by Craig 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 86-12133 are discussed below.

## **DISCUSSION**

### **Priority Date**

The claimed priority date is July 15, 1998, which matches the completion date listed on the well drillers report identified on the claim by metal tag no D0005065. The well driller report, identified on the claim describes the location of the well as Township 40 North, Range 03 West, Section 27, SENE and is consistent with the claimed point of diversion location. The priority date is recommended as claimed.

### **Point of Diversion**

The claimed point of diversion is located on Latah County parcel RP40N03W271607 in Township 40 North, Range 03 West, Section 27, SENE. According to the Latah County parcel data, Melynda & Rory Ward own the property at the point of diversion. The point of diversion is recommended as claimed.

### **Source**

The source for water diverted from a well is ground water. The source is recommended as claimed.

### **Place of Use**

The claimed place of use is in Township 40 North, Range 03 West, Section 27, SENE on parcel RP40N03W271607 in Latah County and is owned by the claimants. Aerial photos provide evidence of domestic structures on 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 home with a year-round period of use. Domestic structures are visible on available aerial photography. Water diverted and used for domestic purposes are recommended for year-round use if a year-round water use was claimed. The purpose and period of use are recommended as claimed.

### **Quantity**

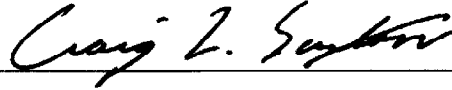
The claimed quantity is 0.01 CFS which is within the typical range of diversion rates associated with private wells used for domestic purposes in one home. The quantity is recommended as claimed.

### **CONCLUSION**

There is sufficient evidence to recommend water right claim 86-12133, 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. 86-12133, which includes the recommendation of deferred *de minimis* water right no. 86-

12133.

Respectfully submitted this 22nd day of February, 2023.

A handwritten signature in black ink, reading "Craig L. Saxton", written over a horizontal line.

CRAIG L SAXTON  
Manager, Adjudication Section

## CERTIFICATE OF SERVICE

I certify that on February 22, 2023, 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

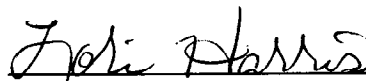
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-mail

Latah County Courthouse  
522 S Adams St  
Moscow, ID 83843

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

Rory & Melynda Ward  
1081 White Pine Flats Rd  
Troy, ID 83871

☐ 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: 86-12133

NAME AND ADDRESS: MELYNDA WARD  
1081 WHITE PINE FLATS RD  
TROY ID 83871

RORY WARD  
1081 WHITE PINE FLATS RD  
TROY ID 83871

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.010 CFS

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

PRIORITY DATE: 07/15/1998

POINT OF DIVERSION: T40N R03W S27 SENE Within LATAH County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.010 CFS

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC in LATAH County  
T40N R03W S27 SENE

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. RP40N03W271607