

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 10 2023	
By _____	Clerk
_____	Deputy Clerk

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

**Claim No. 85-15834**

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

August 7, 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 January 24, 2022, for water right claim no. 85-15834. The claimant published notice of the Motion, and 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. 85-15834 are discussed below.

## **DISCUSSION**

### **Priority Date**

The claimed priority date is March 31, 1973. A search of IDWR's well construction records found a well driller's report, permit no. 85-73-N-12, in the name of Dwayne Miller. The driller report shows a completion date of March 21, 1973. There are no other well driller's reports in the NW of section 28 and the claimant's home is the only visible home in this section. It appears that this well driller's report represents the claimed point of diversion and supports the claimed priority date. The priority date is recommended as claimed.

### **Point of Diversion**

The claimed point of diversion is located on Lewis County parcel RP34N01E287151. The location of the point of diversion is described as Township 34 North, Range 01 East, Section 28, SESW. According to the Lewis County parcel data, James Miller owns the property at the

points of diversion. The point of diversion is recommended as claimed.

### **Source**

The source claimed is “groundwater”. A search of IDWR’s well construction records found a well driller’s report, permit no. 85-73-N-12, in the name of Dwayne Miller. The driller report shows a completion date of March 21, 1973. There are no other well driller’s reports in the NW of section 28 and the claimant’s home is the only visible home in this section. It appears that this well driller’s report represents the claimed point of diversion and supports the claim source. The source claimed under 85-15834 is recommended as claimed.

### **Place of Use**

The claimed place of use is located on Lewis County parcel RP34N01E287151. The location of the place of use is described as Township 34 North, Range 01 East, Section 28, SESW. According to the Lewis County parcel data, James Miller 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 1 home and 1 shop.

Aerial photography available to IDWR through our GIS system supports domestic use because domestic structures are visible on the claim place of use.

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

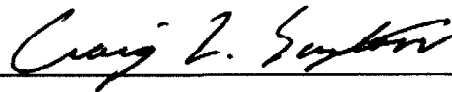
### **Quantity**

The claimed quantity is 0.04 cubic feet per second (“cfs”) which is within the typical range of diversion rates associated with domestic use according to Appendix 1 of IDWR’s Adjudication Memorandum #4. Appendix 1 of IDWR’s Adjudication Memorandum #4 lists a typical diversion rate for domestic use of up to 0.04 cfs. The quantity recommended is 0.04 cfs.

### CONCLUSION

There is sufficient evidence to recommend water right claim 85-15834, 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. 85-15834, which includes the recommendation of deferred *de minimis* water right no. 85-15834.

Respectfully submitted this 7<sup>th</sup> day of August, 2023.



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CRAIG L SAXTON  
Manager, Adjudication Section

## CERTIFICATE OF SERVICE

I certify that on August 8, 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, 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

Lewis County Courthouse  
510 Oak St # 1  
Nez Perce, ID 83543

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

James & Wendy Miller  
1955 Powerline Rd  
Nez Perce, ID 83543

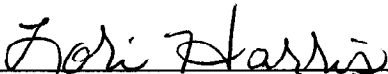
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-Mail

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

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☐ E-mail

  
Signature of person delivering form

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

RIGHT NUMBER: 85-15834

NAME AND ADDRESS: JAMES MILLER  
1955 POWERLINE RD  
NEZ PERCE ID 83543

WENDY MILLER  
1955 POWERLINE RD  
NEZ PERCE ID 83543

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: 03/31/1973

POINT OF DIVERSION: T34N R01E S28 SESW Within LEWIS 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 and 1 shop.			

PLACE OF USE:

<u>DOMESTIC in LEWIS County</u>			
T34N R01E S28	SESW	T34N R01E S33	NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Point of Diversion Parcel No. RP34N01E287151. Place of use Parcel Nos. RP34N01E330110 & RP34N01E287151.