

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 15 2023	
By _____	Clerk
	Deputy Clerk

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

**Claim No. 86-12158**

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 11, 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 18, 2022, for water right claim no. 86-12158. 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. 86-12158 are discussed below.

## **DISCUSSION**

### **Priority Date**

The claimed priority date is November 1, 1968. Nez Perce County parcel data shows a built date of 1992. However, USGS Earth Explorer data shows that home was visible in historic air photo dated 9/11/1953.

The priority date is recommended as November 1, 1968.

### **Point of Diversion**

The claimed point of diversion is located on Nez Perce County parcel RP37N03W012524. The location of the point of diversion is described as Township 37 North, Range 03 West, Section 1, SENW. The claimant provided maps that clearly identifies the location of the well. According to the Nez Perce County parcel data, Richard Wolff owns the property at the points of diversion. The point of diversion is recommended as claimed.

### **Source**

The source claimed is “groundwater”. The documents in the claim file describes the claimed source as a well. The source for water diverted from a well is ground water. The source claimed under 86-12158 is recommended as claimed.

### **Place of Use**

The claimed place of use is located on Nez Perce County parcel RP37N03W012524. The location of the place of use is described as Township 37 North, Range 03 West, Section 1, SENW and Govt Lot #3 (NENW). According to the Nez Perce County parcel data, Richard & Shelly Wolff own 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 and for stockwater use. Evidence of domestic structures is visible on aerial photography provided by the claimant. Stockwater use for 1-4 horses confirmed with claimant through e-mail on August 6, 2023.

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

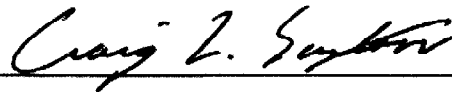
### **Quantity**

The claimed quantity is 0.06 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 #58 and #4. Specifically, 0.04 cfs was claimed for domestic use of 1 home and 1 shop and 0.02 cfs was claimed for stockwater use for 1 barn and 1 pasture. Appendix 1 of IDWR’s Adjudication Memorandum #58 lists a typical diversion rate for up to 50 head of stock at 0.02 cfs. Appendix 1 of IDWR’s Adjudication Memorandum #4 lists a typical diversion rate for domestic use at 0.04 cfs. The quantity recommended is 0.06 cfs.

### CONCLUSION

There is sufficient evidence to recommend water right claim 86-12158, 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. 86-12158, which includes the recommendation of deferred *de minimis* water right no. 86-12158.

Respectfully submitted this 11<sup>th</sup> day of August, 2023.

A handwritten signature in black ink, appearing to read "Craig L. Saxton", is written over a horizontal line.

CRAIG L SAXTON  
Manager, Adjudication Section

## CERTIFICATE OF SERVICE

I certify that on August 11, 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

Nez Perce County Courthouse  
1230 Main St  
Lewiston, ID 83501

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

Richard & Shelly Wolff  
30541 Leland Rd  
Juliaetta, ID 83535

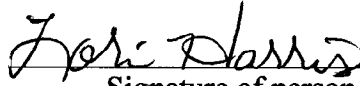
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ E-Mail

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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Signature of person delivering form

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

RIGHT NUMBER: 86-12158

NAME AND ADDRESS: RICHARD WOLFF  
30541 LELAND RD  
JULIAETTA ID 83535

SHELLY WOLFF  
30541 LELAND RD  
JULIAETTA ID 83535

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: 11/01/1968

POINT OF DIVERSION: T37N R03W S1 SENW Within NEZ PERCE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	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:

<u>DOMESTIC in NEZ PERCE County</u>			
T37N R03W S01 Lot 3	NENW	T37N R03W S01	SENW
<u>STOCKWATER in NEZ PERCE County</u>			
T37N R03W S01 Lot 3	NENW	T37N R03W S01	SENW

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. RP37N03W012524

Stockwater use is for 4 horses.