

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

SEP 22 2026

DIRECTOR'S REPORT OF DEFERRED By _____ Clerk
DE MINIMIS DOMESTIC AND/OR STOCK WATER USE _____ Deputy Clerk

Claim Nos. 37-23475 and 37-23476

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
Scott Luvaas, Manager, Adjudication Section

September 4, 2026

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 a Water Right, was submitted to the Court on January 28, 2025, for water right claim nos. 37-23475 and 37-23476. The Director published notice of the Motion and has now completed his examination of water right claim nos. 37-23475 and 37-23476.

The examination was conducted by Bob Howe, Principal Water Rights Agent, Adjudication Section. The materials used in and results of the examination of the elements of water right claims are discussed below.

DISCUSSION

Claim nos. 37-23475 and 37-23476 are located on endowment lands owned by the State of Idaho, by and through the State Board of Land Commissioners and the Idaho Department of Lands (IDL). Claimant provided copies of grazing leases, land patents, warranty deeds, and agreements between parties which include legal descriptions for deeded lands and grazing leases for claim nos. 37-23475 and 37-23476 as evidence of beneficial use.

Priority Date

1. General overview of priority date considerations for stockwater claims on state land

The Idaho Supreme Court in *Joyce Livestock Co. v. United States of America*, 144 Idaho 1 (2007) made clear ranchers could establish beneficial use instream water rights on federal land for watering their livestock if the ranchers held a valid grazing permit for grazing livestock on the federal land. The Court also determined that these instream water rights so acquired by

ranchers were appurtenant to the ranchers' patented or base property. *Joyce Livestock*, 144 Idaho at 12. However, *Joyce* and its legal progeny did not address the establishment of instream water rights by private claimants on public land owned by the State of Idaho.

Effective July 1, 2021, the Idaho Legislature passed House Bill No. 186 which modified Section 42-1411, Idaho Code, to instruct the Director of IDWR to accept the date of the first grazing permit issued on the federal grazing allotment to establish the date of priority and that there shall be a rebuttable presumption that the claimant's base property relates back to the base property when the first grazing permit was issued on the federal grazing land or when water was first applied to beneficial use on the federal land. The statutory amendments did not provide a similar procedure for claimants seeking to establish a date of priority for water rights claimed on endowment lands owned by the State of Idaho.

Therefore, for beneficial use instream stockwater claims on lands owned by the State of Idaho, IDWR will review pursuant to the processes used for any state-based beneficial use claim; namely through the claimant's production of evidence establishing the claimed priority date, as well as IDWR's own investigation.

2. Casa Del Norte, LP's claimed priority date

The claimed priority dates for Casa Del Norte, LP's Basin 37 claims are: June 1, 1883. On February 4, 2025, Bill Baker (rep. Casa Del Norte, LP) submitted Grazing Lease No. G700105 showing an effective date of January 1, 2012, for grazing on State of Idaho lands in Elmore County, Idaho. Casa Del Norte, LP's claims therein are all within Township 2 South, Range 11 East, however, claim nos. 37-23475 and 37-23476 are not within the leased premises described in Grazing Lease No. G700105. Although both claims overlap State of Idaho held water rights, these claims are for unique beneficial use predating the ownership of the lands by

the State of Idaho. The connection between the senior most ownership documents received and the claimed onset of beneficial use for the claimed places of use is not apparent based on the evidence received from the claimant.

On March 1, 2026, in email correspondence from Ramona Morrison (rep. Casa Del Norte, LP), the claimant stated that Casa Del Norte, LP (CDN) has continuously held State of Idaho grazing leases “appurtenant to several of the CDN home ranches or base properties”, which were conveyed in deeds, mortgage records, and other private agreements included in a 444-page report submitted.

3. Recommended Disallowed

In review of the evidence of priority for claim nos. 37-23475 and 37-23476, it was found that the places of use (POUs) claimed are described in State Land Lease 3747 for a term from February 25, 1922, to December 31, 1926, however, the claimed POUs are not included in the legal description of the claimant’s current Grazing Lease No. G700105. The POU areas described in claim nos. 37-23475 & 37-23476 are currently leased by the State of Idaho under Grazing Lease No. G700081 to Clare Olson for a term from January 1, 2012, to December 31, 2031. This indicates the claimant has not had legal access to maintain beneficial use within the POUs claimed for the last 14 years. Claim nos. 37-23475 and 37-23476 are recommended disallowed.

Point of Diversion

The claimed instream diversion of water for claim nos. 37-23475 and 37-23476 does not occur within the leased premises described in Grazing Lease No. G700105. CDN has not established current legal access to the claimed diversion of water.

Source

The claimed spring sources of water for claim nos. 37-23475 and 37-23476 are not within the leased premises described in Grazing Lease No. G700105. CDN has not proven current legal access to the claimed sources.

Place of Use

The claimed POU for claim nos. 37-23475 and 37-23476 uses the public land survey to describe the POU and includes each quarter-quarter that the claimed source is within. The POU legal descriptions for claim nos. 37-23475 and 37-23476 were verified using USGS Quadrangle maps.

The claimed beneficial uses of the water for claim nos. 37-23475 and 37-23476 are not within the leased premises described in Grazing Lease No. G700105. CDN has not proven current legal access to the claimed POU.

Purpose of Use and Period of Use

The claimed beneficial use for claim nos. 37-23475 and 37-23476 is instream stockwater with a year-round season of use. IDWR generally recommends a year-round season of use if year-round use is described in a valid claim. Without legal access to maintain beneficial use claim nos. 37-23475 and 37-23476 are not valid claims.

Quantity

Claim nos. 37-23475 and 37-23476 claim diversion rates of 0.02 cfs. If a claim is valid, IDWR generally recommends 0.02 cfs if claimed for instream stockwater use. Without legal access to maintain beneficial use, claim nos. 37-23475 and 37-23476 are not valid claims.

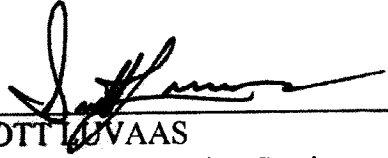
CONCLUSION

The claimant is the Lessee in a state grazing lease for legal access to State of Idaho lands. The claimed POUs and points of diversion for claim nos. 37-23475 and 37-23476 are not within the claimant's current Grazing Lease No. G700105.

Claim nos. 37-23475 and 37-23476 are recommended disallowed as the claimant has not proven continuous beneficial use by their livestock within the claimed POU.

Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic or Stock Water Uses for Claim Nos. 37-23475 and 37-23476.

Respectfully submitted this 8th day of September 2026.



SCOTT LEVAAS
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on SEPTEMBER 16, 2026, 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
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2. Copies to:

Chief, Energy & Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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United States Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

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Elmore County Courthouse
150 S. 4th E St #3
Mountain Home, ID 83647

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