

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

JUN 10 2024

By _____

VM
Clerk

Deputy Clerk

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

Claim No. 85-15851

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

June 6, 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 August 18, 2023, for water right claim no. 85-15851. The claimants published notice of the Motion, and the Director 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. 85-15851 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is May 1, 2009. Aerial imagery available to us through our GIS system shows a domestic structure on the claimant's property in 2009. Additionally, a well driller report for Permit No. 855648 in the name of Jim Bowen shows a completion date of May 1, 2009. The priority date is recommended as May 1, 2009.

Point of Diversion

The claimed point of diversion is located on Nez Perce County parcel RP001100040000. The claimed point of diversion is described as Township 35 North, Range 05 West, Section 13, SESW. According to Nez Perce County parcel data, Mark James Bowen and Rhanda Michelle Bowen own the property at the point of diversion. The point of diversion is recommended as

claimed.

Source

The claimed source is “ground water”. The documents in the claim file support the claimed source as a well. The source for water diverted from a well is described as ground water. The source claimed under water right claim no. 85-15851 is recommended as claimed.

Place of Use

The claimed place of use is located on Nez Perce County parcel no. RP001100040000. The location of the place of use is described as Township 35 North, Range 05 West, Section 13, SESW. According to Nez Perce County parcel data, Mark James Bowen and Rhanda Michelle Bowen 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 stockwater use for 15 alpacas.

Aerial photography available to IDWR supports domestic and stockwater use because domestic structures and a fenced pasture are visible on the claimed place of use. The claimed year-round season of use for domestic and stockwater is recommended as claimed.

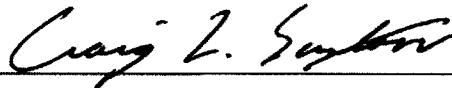
Quantity

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 #22. Specifically, 0.04 cfs was claimed for domestic use and 0.02 cfs was claimed for stockwater use. The total quantity recommended is 0.06 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim no. 85-15851, 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. 85-15851, which includes the recommendation of deferred *de minimis* water right no. 85-15851.

Respectfully submitted this 6th day of June, 2024.



CRAIG L SAXTON
Manager, Adjudication Section

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

RIGHT NUMBER: 85-15851

NAME AND ADDRESS: MARK JAMES BOWEN
2304 GRELLE AVE
LEWISTON ID 83501

RHANDA MICHELLE BOWEN
2304 GRELLE AVE
LEWISTON ID 83501

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: 05/01/2009

POINT OF DIVERSION: T35N R05W S13 SESW 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:

DOMESTIC in NEZ PERCE County
T35N R05W S13 SESW
STOCKWATER in NEZ PERCE County
T35N R05W S13 SESW

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

Parcel No. RP001100040000.

Stockwater use is for 15 alpacas.

Property is also known as Lot 4, Lewiston Orchards subdivision.

CERTIFICATE OF SERVICE

I certify that on June 7, 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

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2. Copies to:

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Boise, ID 83720-0010

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United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

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Nez Perce County Courthouse
1230 Main St
Lewiston, ID 83501

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Mark James Bowen & Rhanda Michelle Bowen
2304 Grelle Ave
Lewiston, ID 83501

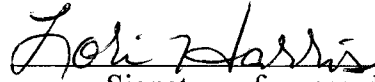
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