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JUN 06 2012
DEPARTMENT OF
WATER RESOURCES

Attorneys for Greene Tree, Inc.

Dylan B. Lawrence, ISB No. 7136
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 63-07891

**AFFIDAVIT OF DYLAN LAWRENCE IN
SUPPORT OF MOTION FOR RELIEF FROM
PARTIAL DECREE**

STATE OF IDAHO)
) ss.
County of Ada)

DYLAN LAWRENCE, having been duly sworn upon oath, deposes and states as follows:

1. My name is Dylan Lawrence. I am of sound mind and majority age. I am the attorney of record for Greene Tree, Inc. in the above-captioned matter. I have access to Greene Tree's files that are pertinent to this matter, and I make this affidavit based upon my own personal knowledge.

2. Attached hereto as Exhibit A are true and correct copies of documents that I obtained from the Idaho Secretary of State's online database regarding Greene Tree, Inc.

3. Attached hereto as Exhibit B is a true and correct copy of the Articles of Incorporation for Greene Tree, Inc. that a paralegal with my law firm obtained from the Nevada Secretary of State.

4. Attached hereto as Exhibit C are true and correct copies of the preliminary recommendations for water right 63-7891, dated February 4 and 24, 2002, which I obtained from IDWR's online database.

5. Attached hereto as Exhibit D is a true and correct copy of the amended Partial Decree for water right 63-7891, dated July 29, 2003, which I obtained from IDWR's online database.

6. Attached hereto as Exhibit E is a true and correct copy of the "Subcase Summary Report" for SRBA subcase 63-7891, which I obtained from the SRBA District Court's online database.

7. Attached hereto as Exhibit F is a true and correct copy of an enlarged portion of the USGS Atlanta East Quadrangle (Idaho) topographic map (7.5 minute series, scale 1:24,000). The enlarged portion that is included as Exhibit F includes the portion of this map depicting Section 35 of Township 6 North, Range 11 East, Boise Meridian.

8. Attached hereto as Exhibit G is a true and correct copy of the water right license for water right 63-7891, dated December 20, 1990, which I obtained from IDWR's online database.

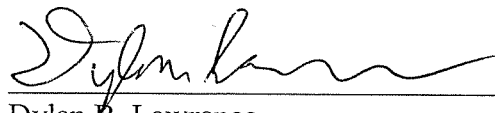
9. Attached hereto as Exhibit H is a true and correct copy of the amended Partial Decree for water right 63-9683, dated July 29, 2003, which I obtained from IDWR's online database.

10. Attached hereto as Exhibit I are true and correct copies of the Beneficial Use Field Reports for water rights 63-7891 and 63-9683, both dated June 17, 1987, which I obtained from IDWR's online database.

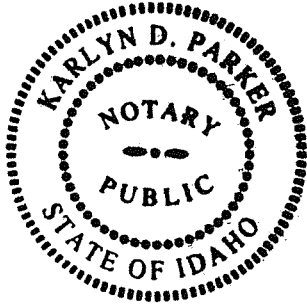
11. During March and April, 2012, I engaged in multiple discussions with multiple representatives of IDWR regarding the Partial Decree for 63-7891 and its incorrect source. The most significant of these occurred on Wednesday, March 21, 2012, during which I met with IDWR representative Jan Shurte regarding the issues raised by this affidavit and the accompanying motion. During that meeting Ms. Shurte and I reviewed the relevant SRBA and administrative documents in detail, and discussed how the error in the Partial Decree may have occurred, and potential ways to correct the error.

12. Attached hereto as Exhibit J is a true and correct copy of an exchange of e-mails among Ms. Shurte, Deputy Attorney General Andrea Courtney, and me, as a follow-up to the March 21 meeting. The last e-mail is dated April 3, 2012, and I obtained a copy of it from the e-mail archive that my firm maintains on behalf of Greene Tree. In that e-mail, Ms. Courtney states, "IDWR won't oppose your client's motion to set aside [the partial decree]."

Further your affiant sayeth naught.


Dylan B. Lawrence

SUBSCRIBED AND SWORN to before me this 5th day of June, 2012.



Karlyn D. Parker
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 5/26/15

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 2012, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DYLAN LAWRENCE IN SUPPORT OF MOTION FOR RELIEF FROM PARTIAL DECREE** to be served by the method indicated below, and addressed to the following:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

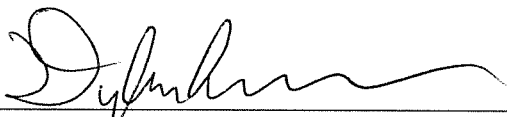
(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

(X) U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile



Dylan B. Lawrence

EXHIBIT A



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for GREENE TREE, INCORPORATED](#)]

GREENE TREE, INCORPORATED

2830 HOLLY PLACE
IDAHO FALLS, ID 83402

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 06 Mar 2012

State of Origin: NEVADA

Date of 04 May 1967

Origination/Authorization:

Current Registered Agent: IDAHO SERVICE COMPANY
101 S CAPITOL BLVD 10TH FLOOR
BOISE, ID 83702

Organizational ID / Filing C38409
Number:

Number of Authorized Stock
Shares:

Date of Last Annual Report: 09 Mar 2012

Original Filing:

[[Help Me Print/View TIFF](#)]

Filed 04 May 1967 CERTIFICATE OF AUTHORITY

Amendments:

[[Help Me Print/View TIFF](#)]

Amendment Filed 04 May 1967 OTHER - DA

Amendment Filed 27 Jun 1972 OTHER - DA

Amendment Filed 28 Aug 1980 OTHER - CHG RA

Annual Reports:

[[Help Me Print/View TIFF](#)]

Report for year 2012 ANNUAL REPORT	View Document Online
Report for year 2011 ANNUAL REPORT	View Document Online
Report for year 2010 ANNUAL REPORT	View Document Online
Report for year 2009 ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2008 ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2007 ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2006 ANNUAL	View Image (PDF format) View

	REPORT	Image (TIFF format)
Report for year 2005	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2004	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2003	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2002	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 2001	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1999	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1998	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1997	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1996	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1995	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1994	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1993	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1992	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1991	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1990	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1989	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1988	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)
Report for year 1987	ANNUAL REPORT	View Image (PDF format) View Image (TIFF format)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

No. C 38409		Due no later than May 31, 2012		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. GREENE TREE, INCORPORATED SHARON DAVIS 2830 HOLLY PLACE IDAHO FALLS ID 83402 USA		IDAHO SERVICE COMPANY 101 S CAPITOL BLVD 10TH FLOOR BOISE ID 83702 USA			
				3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
DIRECTOR	WAYNE CHAMBERLAIN	1077 EAGLEWOOD LOOP	NORTH SALT LAKE	UT	USA	84054	
DIRECTOR	SHARON DAVIS	2830 HOLLY PLACE	IDAHO FALLS	ID	USA	83402	
DIRECTOR	CLAUDIA NELSON	1021 S. COVENTRY CIR	OREM	UT	USA	84097	
DIRECTOR	CAROLYN OBORN	3631 BRIGHTON PT.	SALT LAKE CITY	UT	USA	84121	
DIRECTOR	MARYALICE MOSS	909 PARKHURST LN	SANDY	UT	USA	84094	
SECRETARY	CLAUDIA NELSON	1021 S. COVENTRY CIR.	OREM	UT	USA	84097	
5. Organized Under the Laws of: NV C 38409		6. Annual Report must be signed.* Signature: Sharon Davis Name (type or print): Sharon Davis Date: 03/09/2012 Title: Director					
Processed 03/09/2012		* Electronically provided signatures are accepted as original signatures.					

No. C 38409	Due no later than 5/31/2009 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		IDAHO SERVICE COMPANY 101 S CAPITOL BLVD 10TH FLOOR BOISE ID 83702 USA
	GREENE TREE, INCORPORATED ALVA D. GREENE 129 WOODSIDE DRIVE PROVO UT 84604		3. New Registered Agent Signature:
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
Office Held	Name	Street or PO Address	City State Zip
President	ALVA D. GREENE	129 WOODSIDE DR.	PROVO UT. 84604
Secy.	RICHARD N. GREENE	6405 SO. 3000 EAST	SALT LAKE UT. 84121
Director	MARY ALICE MOSS	909 PARKHURST LN	SANDY UT. 84094
"	CAROLY O'BORN	3631 BRIGHTON PT. DR	SALT LAKE UT. 84127
"	CLAUDIA NELSON	1021 COVENTRY CIRCLE	OREM UT. 84058
"	SHARON DAVIS	195 LLOYD GABLE	IDAHO FALLS IDA. 83402
"	FWAYNE CHAMBERLAIN	1077 EAGLEWOOD LOOP	NO. SALT LAKE UT. 84054
5. Organized Under the Laws of:	6. Annual Report must be signed.		
NV C 38409	Signature: <u>Alva D. Greene</u>	Date: <u>4/14/09</u>	Name (type or print): <u>ALVA D. GREENE</u> Title: <u>President</u>

EXHIBIT B

ARTICLES OF INCORPORATION
OF
GREENE TREE, INCORPORATED

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, have voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of Nevada, relating to general corporations, and we do hereby certify:

FIRST. That the name of the corporation is GREENE TREE, INCORPORATED.

SECOND. That the principal office of this corporation is to be located at the law office of ROBERT N. McGEHEE, Union Federal Savings Building, 195 South Sierra Street, Reno, Washoe County, Nevada, which Robert N. McGehee shall be the resident agent of said corporation in the State of Nevada for any and all purposes required by law.

THIRD. The nature of the business, or objects, or purposes, proposed to be transacted, promoted or carried on by this corporation, are as follows:

A. Buy, sell, lease, rent, collect rents from, trade, barter, improve, divide and subdivide, and in any and all other ways or manners permitted by law, of this State or any other state or body politic, real estate and improvements thereon.

B. Own, lease, rent, or in any other manner or way permitted by law of this State or any other state or body politic, any business that is legal or lawful; also, sell, barter, trade, or in any way handle or deal in such business.

E. Employ, terminate, and in any manner acquire employment of, persons, for the purpose of effecting the objectives of this corporation.

F. Perform any and all functions ordinarily and lawfully granted to a holding corporation, for the purposes of enhancing and advancing the business of such corporation.

G. Purchase or acquire, and dispose of, and in all lawful ways deal in, machinery and equipment of any nature and description, which will or might enhance the objects of this corporation.

H. Enter into indebtedness and submit security therefor, for any amounts deemed proper for the enhancement of the objects of this corporation.

I. Own and in any manner deal in, control or any interest in other corporations, or subsidiary corporations, or any parts thereof, allowed by the laws of this State or any other state or body politic.

FOURTH. The amount of the authorized capital stock of this corporation is ONE MILLION DOLLARS (\$1,000,000.00) divided into One Hundred Thousand shares of the par value of --TEN-- Dollars (---\$10.00---) per share. Said stock shall be divided into two classes, as follows:

Class B stock, which shall be non-voting, 90,000 shares

Class A stock, which shall be voting, 10,000 shares.

Such stock may be issued from time to time without action by the stockholders, for such consideration as may be fixed from time to time by the board of directors, and shares so issued, the full consideration for which has been paid or delivered, shall be deemed full paid stock, and the holder of such shares shall not be liable for any further payment thereon.

FIFTH. That the amount of capital with which this corporation shall begin business is TEN THOUSAND ----- Dollars (\$10,000.00)

Alva D. Greene

Ruth B. Greene

F. Wayne Chamberlain

STATE OF IDAHO)
COUNTY OF ADA) ss

On this 21st day of June, 1966, before me, the undersigned, a notary public in and for said State, personally appeared F. WAYNE CHAMBERLAIN, RUTH B. GREENE, and ALVA D. GREENE, known to me personally to be the persons subscribed to the foregoing instrument, who acknowledged to me that they did execute the foregoing instrument freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and seal the day and year first above mentioned.

Ronald G. Garter
Notary Public for Idaho
Boise, Idaho
Comm. expires May 1, 1967.

1. Clark Oborn, 744 E. 4th S., Salt Lake City, Utah
2. Donald E. Moss, 744 E. 4th S., Salt Lake City, Utah
3. Alva D. Greene, Rt. 3, Maple Grove Road, Boise, Idaho
4. Ruth D. Greene, Rt. 3, Maple Grove Road, Boise, Idaho
5. F. Wayne Chamberlain, Rt. 3, Maple Grove Road, Boise, Idaho

SEVENTH. The capital stock of this corporation, after the amount of the subscription price or par value has been paid in, shall not be subject to assessment to pay debts of the corporation, and no paid-up stock and no stock issued as fully paid shall be assessable or assessed, at any time thereafter forever.

EIGHTH. The name, post office address, and residence of each of the original subscribers to the capital stock of this company, and the amount subscribed by each is as follows:

1. Alva D. Greene, Rt. 3, Maple Grove Road, Boise, Idaho.
One share, voting stock.
2. Ruth D. Greene, Rt. 3, Maple Grove Road, Boise, Idaho.
One share, non-voting stock.
3. F. Wayne Chamberlain, Rt. 3, Maple Grove Road, Boise, Idaho, One share non-voting stock.

NINTH. The period of existence of this corporation shall be perpetual.

TENTH. It is intended that this corporation become a holding corporation as that term is used by law, with all rights, powers, duties and obligations legally and lawfully attaching thereto.

WE, THE UNDERSIGNED, being each of the original subscribers to the capital stock hereinbefore named, for the purpose of forming a corporation to do business both within and without the State of Nevada, and in pursuance of the general corporation law of the State of Nevada, effective June 21, 1966, do make and

ARTICLES OF INCORPORATION
OF

GREENE TREE, INCORPORATED

✓

FILED AT THE REQUEST OF
MILLAR & CALLISTER
Attorneys at Law

600 State Street

Boise, Idaho

July 22, 1966
(DATE)

John Koontz

JOHN KOONTZ, SECRETARY OF STATE

John Koontz
(BY) DEPUTY SECRETARY OF STATE

No. 1201-66

FILING FEE \$150.00

EXHIBIT C

02/04/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7891
NAME AND ADDRESS: GREENE TREE INC
1 GREYLOCK LN
ATLANTA ID 83601
SOURCE: SPRING TRIBUTARY: MIDDLE FORK BOISE RIVER
QUANTITY: 0.08 CFS
28.9 AFY
PRIORITY DATE: 03/02/1974
POINT OF DIVERSION:

T06N R11E S35 SESWSE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.040 CFS 28.90 AFY
RECREATION	01/01 12/31	0.040 CFS 28.90 AFY

PLACE OF USE:

<u>HEATING Within ELMORE County</u>			
T06N R11E S35	SWNW	T06N R11E S35	SENW
<u>RECREATION Within ELMORE County</u>			
T06N R11E S35	SWNW	T06N R11E S35	SENW

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. SECTION 42-1412(6), IDAHO CODE.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 39.

EXPLANATORY MATERIAL: License

RECREATION USE IS FOR SWIMMING POOL.
HEATING USE IS FOR SWIMMING POOL, LODGE & BARN.
SOURCE IS ALSO KNOWN AS CHATTANOOGA HOT SPRING.
WATER TEMPERATURE MEASURED AT 105 DEGREES F.

02/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7891

NAME AND ADDRESS: GREENE TREE INC
1 GREYLOCK LN
ATLANTA ID 83601

SOURCE:

SPRING

*CHATTANOOGA
HOT SPRING*

TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.080 CFS
28.90 AFY

PRIORITY DATE: 03/02/1974

POINT OF DIVERSION:

T06N R11E S35 SESWSE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.040 CFS 28.90 AFY
RECREATION	01/01 12/31	0.040 CFS 28.90 AFY

PLACE OF USE:

HEATING Within ELMORE County

T06N R11E S35 SWNW T06N R11E S35 SENW

RECREATION Within ELMORE County

T06N R11E S35 SWNW T06N R11E S35 SENW

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. SECTION
42-1412(6), IDAHO CODE.
PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 39.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RECREATION USE IS FOR SWIMMING POOL.

HEATING USE IS FOR SWIMMING POOL, LODGE & BARN.

~~SOURCE IS ALSO KNOWN AS CHATTANOOGA HOT SPRING~~

WATER TEMPERATURE MEASURED AT 105 DEGREES F.

delete

EXHIBIT D

JUL 31 2003

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JUL 29 PM 3 36

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

ORDER OF AMENDED PARTIAL DECREES; I.R.C.P. 60(a)

For Water Rights Listed on Exhibit A

On April 23, 2003, *Partial Decrees* were issued for the water rights listed on Exhibit A attached. On July 17, 2003, the Idaho Department of Water Resources notified the Court about partial omissions in the descriptions of the Source element. In reviewing these water rights, the Court determines these omissions were the result of clerical errors.

Therefore, IT IS ORDERED that the water rights listed on the attached Exhibit A are hereby **decreed** as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED July 29, 2003.

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

63-05121
63-05163
63-05265
63-05267
63-05268
63-05269
63-05270
63-07249
63-07256
63-07263
63-07659
63-07660
63-07866
63-07877
63-07891
63-08206
63-08207
63-08238
63-08370
63-09168
63-09683
63-09684
63-09699
63-09750

(Subcase list: 63AMENDDDD3)
7/29/03

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-07891

PAGE 1
Jul-28-2003

EXHIBIT E

SRBA

SUBCASE SUMMARY REPORT 63-07891

[Return to SRBA Home Page](#)

SRBA
05-17-2012

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 63-07891 FILE#: 00184
CLAIMANT: GREENE TREE INC
1 GREYLOCK LN

ATLANTA ID 83601
STATUS: PD ISSUED SPECIAL MASTER:
WATER SOURCE: CHATTANOOGA HOT SPRING TRIBUTARY: MIDDLE FORK BOISE RIVER

**** PARTIES INVOLVED ****

GREENE TREE INC C PRO SE

**** ROA ENTRIES ****

04-23-2003	PARTIAL DECREE FILED	04-23-2003
07-29-2003	ORDER OF AMENDED PARTIAL DECREES	
07-29-2003	AMENDED PARTIAL DECREE	07-29-2003

[Return to SRBA Home Page](#)

EXHIBIT F

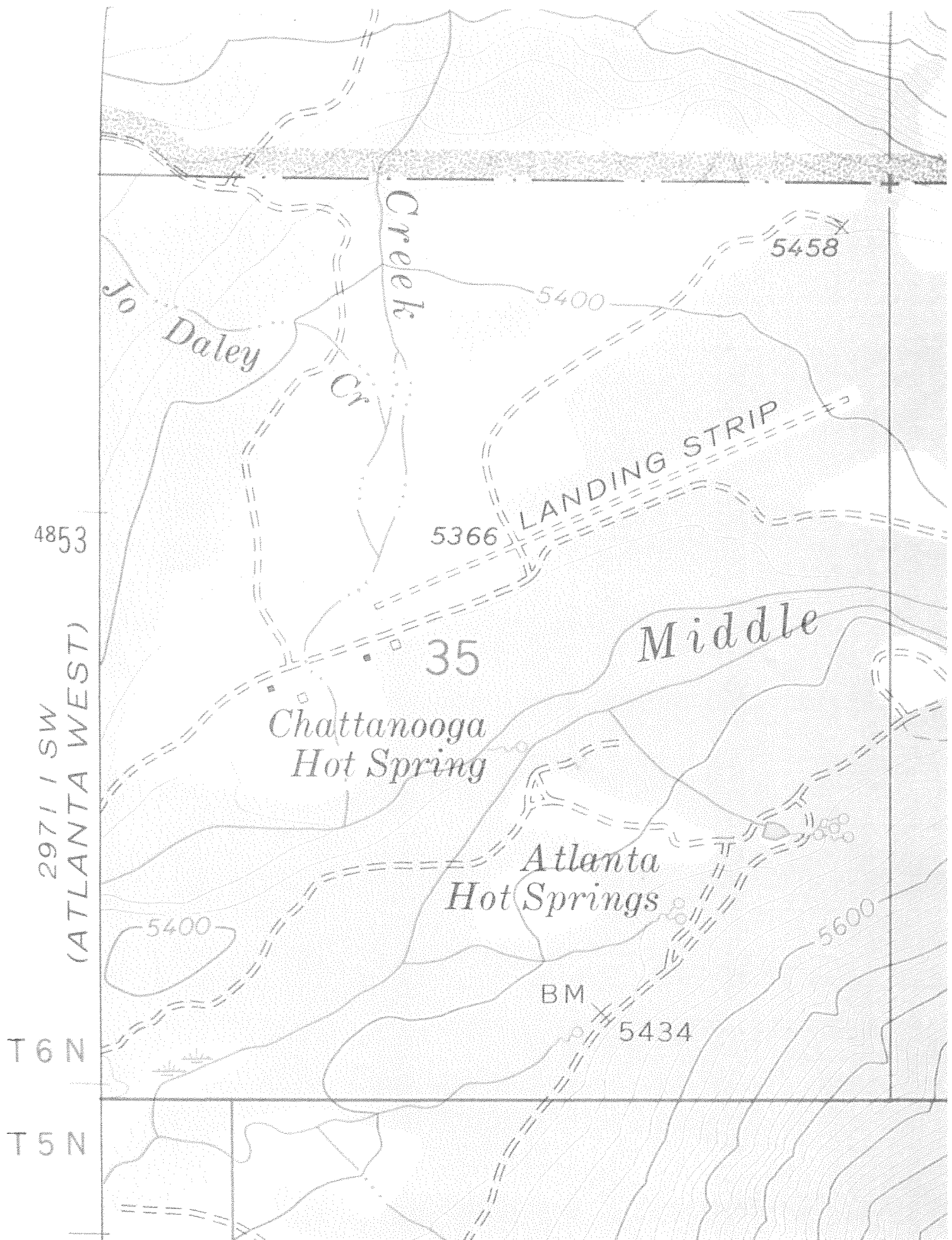


EXHIBIT G

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07891

Priority: March 2, 1974

Maximum Diversion Rate:

0.08 CFS

Maximum Diversion Volume:¹

28.9 AF

This is to certify, that GREENE TREE INC.

2554 ELIZABETH ST. #3

SALT LAKE CITY, UT 841060000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 5, 1973; and has submitted Proof of Beneficial Use on May 29, 1985. An examination indicates that the works have a diversion capacity of 1.400 cfs of water from:

SPRING

tributary to BOISE RIVER, MIDDLE FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
HEATING	01/01 to 12/31	0.04 CFS	28.9 AF
RECREATION	01/01 to 12/31	0.04 CFS	28.9 AF
	Totals	0.08 CFS	28.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWSE , Sec. 35, Township 06N, Range 11E
ELMORE County

PLACE OF USE: HEATING

TWN RGE SEC

06N 11E 35

SWNW

SENW

PLACE OF USE: RECREATION, same as HEATING use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 63

MICROFILMED

JAN 07 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-07891

CONDITIONS/REMARKS:

6. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
7. Point of diversion also known as H.E.S. 36.
8. Place of use also known as H.E.S. 39.
9. Recreation use is for swimming pool; heating use is for swimming pool, lodge, and barn.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 70th day of December, 1990.

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JAN 17 1991

EXHIBIT H

JUL 31 2003

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JUL 29 PM 3 36

EXHIBIT A

Subcase Nos:

63-05121
63-05163
63-05265
63-05267
63-05268
63-05269
63-05270
63-07249
63-07256
63-07263
63-07659
63-07660
63-07866
63-07877
63-07891
63-08206
63-08207
63-08238
63-08370
63-09168
63-09683
63-09684
63-09699
63-09750

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-09683

NAME AND ADDRESS: GREENE TREE INC
1 GREYLOCK LN
ATLANTA, ID 83601

SOURCE: SPRING TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.20 CFS
114.80 APY

PRIORITY DATE: 04/14/1981

POINT OF DIVERSION: T06N R11E S35 SESWSE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Heating	01-01 TO 12-31	0.20 CFS
			114.80 APY

PLACE OF USE: Heating T06N R11E S35 SWNW Within Elmore County
SENW

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

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 39.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

EXHIBIT I

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

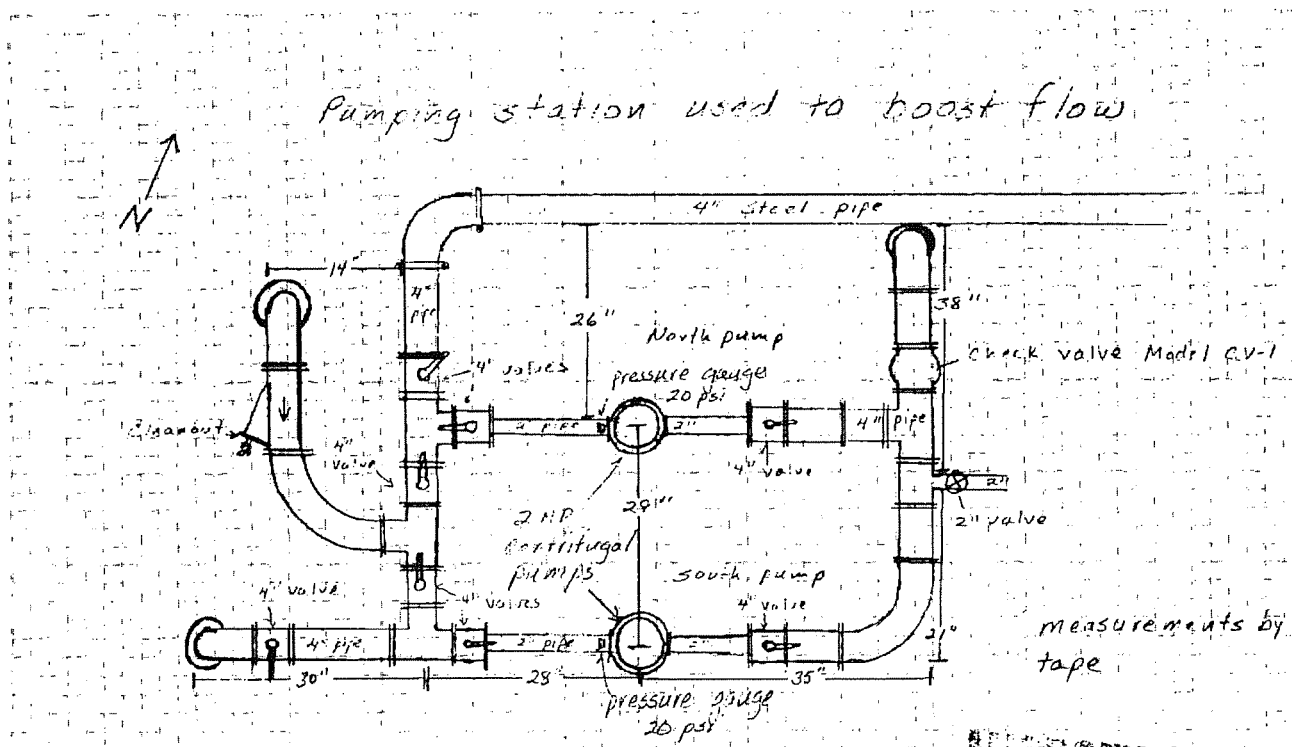
- Permit No. 63-7891
Phone No. (801)-466-8317
1. Owner: Greene Tree Inc.
Current Address: 2554 Elizabeth St. #3 Salt Lake City, Utah 84106
2. Accompanied by: Aiva Greene EXAM. DATE: 6-17-87
Address: same as above Phone No. (801) 466-8317
Relationship to Permit Holder: Owner
3. Source: Hot spring tributary to Middle Fork Boise River
Geothermal

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-2532 & 63-7861p surface water, 63-9683 expansion of this system, 63-9684 cold water ☒ Copies Attached
2. Other water rights with same point of diversion: None as actually developed except 63-9683 ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached also



Scale: 1" = 2'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

RECORDED

JAN 07 1988

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system consists of an excavated spring, with a collection bed of perforated pvc pipe in gravel approximately 40' wide by 100' long. This was covered with polyethylene plastic and soil. A 4" transite pipe runs from the spring approximately 2550' to the pumping plant. The transite pipe is encased in 12" corrugated pipe where it

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
South pump	GE	2	EXL5K49UG8151A	PACO	JXG32387B
North pump	GE	2	DXL5K49UG8151A	PACO	JXG32387A

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	HES 36		SW	SE	35	6N	11E	Elmore	Topographic map and plats

6. **Place(s) of Use:**

Indicate Method of Determination Topog. Map & plat

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	11E	35							GR	GR									
									X	X									
									HES	39									

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MICROFILMED

JAN 67 1991

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D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements:

None possible

Allow .04 Recreation and .04 Heating Total 0.08 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

$$\frac{2(8.8)(.8)}{20} = 0.70 \text{ cfs from each pump.}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

N.A.

.04 cfs x 1.9835 x 50 = 39.7

UNRECORDED

JAN 07 1998 2 (REC + HEATING)

57.8 gpm
JS

H. REMARKS AND OVERLAP REVIEW ANALYSIS

~~it~~ crosses under the Middle Fork of the Boise River. The pumping station has 2 2HP centrifugal pumps to boost the natural flow (water was under 20 psi at pumping station with pumps off). The 4" line continues approximately 900' to the swimming pool and to the lodge. 2" lines tee from the 4" line to supply ~~the~~ hot water to the barn and the swimming pool. A back-up propane fired boiler is located in the carport. Water entering the pool was 105° F. 63-3468 and 63-5121 are different springs. Only 1 spring has been developed.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	1-1	12-31	0.04	NA 28.9 AFA
Heating	1-1	12-31	0.04	NA 28.9 AFA
Totals:			0.08	NA 57.8 AFA JS

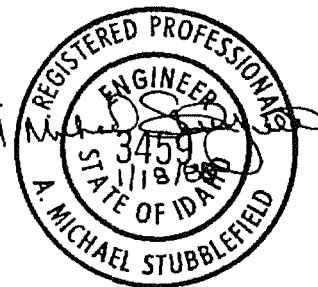
2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

- ☐ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name Carter Fritschle
 Signature Carter Fritschle 1/1/88
 Certification Date _____
 Field Report Preparation Date 6-17-87



CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

The ~~lodge~~ lodge appears to be located in both the SE 1/4 and SW 1/4 of the NW 1/4 of Sec 35 Twn 6 N Rge 11 E.

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JAN 07 1991

[illegible]

JAN 2 1968

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

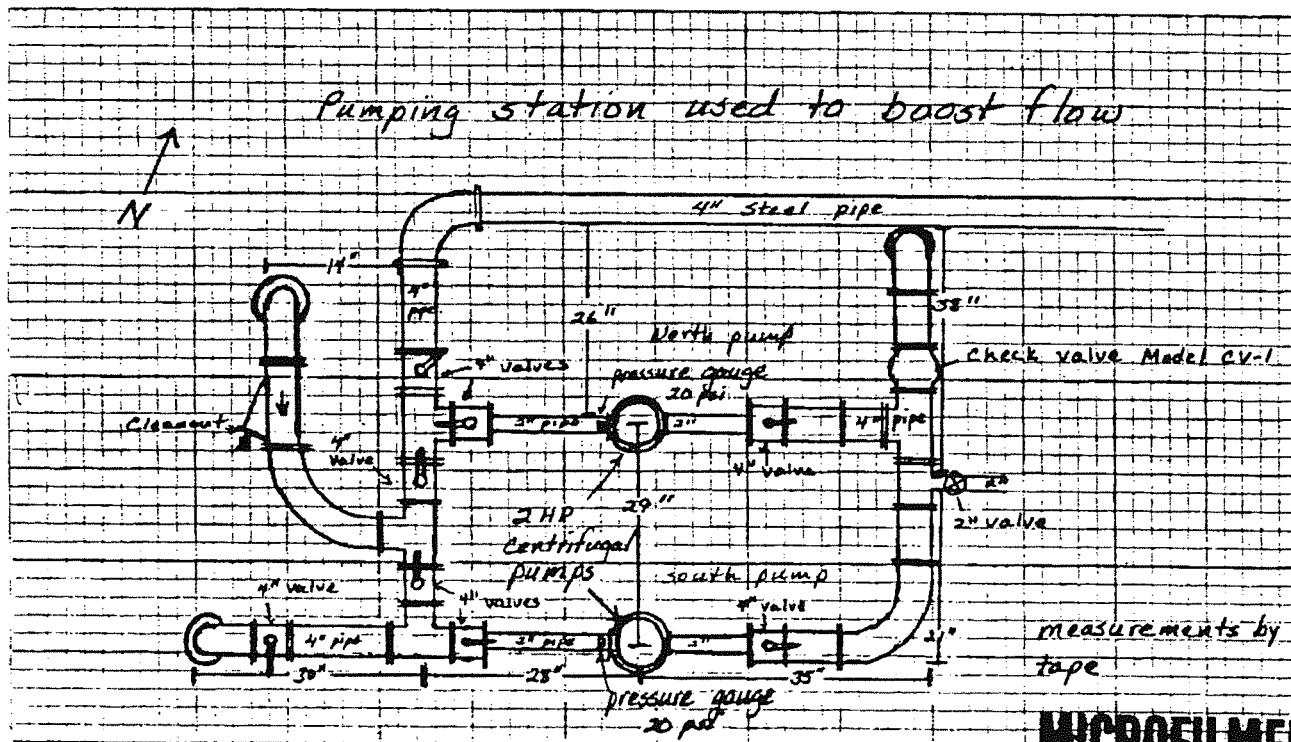
Permit No. 63-9683
Phone No. (801) 466-8317
1. Owner: Greene Tree Inc
Current Address: 2554 Elizabeth St. #3, Salt Lake City, Utah 8402
2. Accompanied by: Alva Greene EXAM. DATE: 6-17-87
Address: same as above Phone No. (801) 466-8317
Relationship to Permit Holder: Owner
3. Source: Hot Spring tributary to Middle Fork Boise River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-7891 same system, 63-9684 cold water, 63-2532 & 63-7866 surface water ☒ Copies Attached
2. Other water rights with same point of diversion: 63-7891 As developed no others ☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached also



Scale: 1" = 2'

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater)
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

FEB 23 1990

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system is the same as described in 63-7891 (attached). This permit was filed in order to increase the diversion rate for the heating of the lodge. The temperature of the geothermal water was not as high (approx. 110°F) as hoped for. Therefore an increase in flow is needed to compensate for the lower temp.

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
South pump	GE	2	EXLSK49UG815A	Paco	JXG 32387B
North pump	GE	2	DXLSK49UG815A	Paco	JXG 32387A

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot.	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	HES 36		SW	SE	35	6N	11E	Elmore	Topog. map and plats

6. Place(s) of Use:

Indicate Method of Determination Topog. & Plats

Twp.	Rge.	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	11E	35							X HES	X 39									
									G	G									

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FEB 23 1990

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D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. Measurements:

None possible

Allow 0.2 cfs for heating

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes: $\frac{2(8.8)(.8)}{20} = 0.70 \text{ cfs from each pump}$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

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G. VOLUME CALCULATIONS

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$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

N/A. - $.20 \text{ cfs} \times 1.9835 \times 365 = 144.5 \text{ AF/ANN.}$

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FEB 23 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

erature. The pumps were not turned on at the time of the exam. Head pressure from the spring was 20 psi.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Heating	1-1	12-31	0.2	NA 144.5
Totals:			0.2	NA 144.5

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Carter Fritschle

Signature

Carter Fritschle

Certification Date

6-17-87

Field Report Preparation Date

6-17-87

CONSULTANT SEAL



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

The lodge appears to be located in both the SE 1/4 and the SW 1/4 of the NW 1/4 of Sec 35 Twn 6N Rge 11E

MICROFILMED

FEB 23 1990

Description from 63-7891

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system consists of an excavated spring with a collection bed of perforated pvc pipe in gravel approximately 40' wide by 100' long. This was covered with polyethylene plastic and soil. A 4" transite pipe runs from the spring approximately 2550' to the pumping plant. The transite pipe is encased in 12" corrugated pipe where it

☒ See Remarks on page 4 for continuation

H. REMARKS AND OVERLAP REVIEW ANALYSIS

~~It~~ crosses under the Middle Fork of the Boise River. The pumping station has 2 2HP centrifugal pumps to boost the natural flow (water was under 20 psi at pumping station with pumps off). The 4" line continues approximately 900' to the swimming pool and to the lodge. 2" lines tee from the 4" line to supply ~~the~~ hot water to the barn and the swimming pool. A back-up propane fired boiler is located in the carport. Water entering the pool was 105° F. 63-3468 and 63-5121 are different springs. Only 1 spring has been developed.

INDEXED

FEB 23 1990

This is a detailed topographic map of the Chattanooga, Tennessee area. The map features the Tennessee River flowing through the region, with several tributaries like the Ocoee River and the Little Tennessee River. The Great Smoky Mountains are prominent in the north, with numerous peaks and ridges. Key locations marked include Chattanooga, Tennessee, and the Chattanooga Hot Springs. The map also shows the Atlanta Hot Springs and the Chattanooga Landing Strip. The map includes a grid system with latitude and longitude coordinates, and various elevation markers and contour lines. The map is oriented with North at the top.

EXHIBIT J

Dylan Lawrence

From: Courtney, Andrea [Andrea.Courtney@idwr.idaho.gov]
Sent: Tuesday, April 03, 2012 9:13 AM
To: Dylan Lawrence; Shurte, Jan
Cc: Williams, Ray
Subject: RE: Chattanooga Hot Springs - 63-7891

Dylan~

Sorry for the confusion. IDWR won't oppose your client's motion to set aside.
Andrea

From: Dylan Lawrence [mailto:DBL@moffatt.com]
Sent: Tuesday, April 03, 2012 8:52 AM
To: Shurte, Jan; Courtney, Andrea
Subject: RE: Chattanooga Hot Springs - 63-7891

Thank you, Jan and Andrea.

Just to clarify, are we talking about initiating the process as was done in the subcases discussed in the long footnote to Judge Wildman's recent opinion, i.e., with a letter from IDWR to the SRBA? I just want to make sure we are on the same page.

Thanks again,
Dylan

Dylan Lawrence
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, Idaho 83701-0829
Phone & fax: (208) 385-5417

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Tuesday, March 27, 2012 12:27 PM
To: Dylan Lawrence
Cc: Courtney, Andrea
Subject: Chattanooga Hot Springs - 63-7891

Hi Dylan,

I spoke to Andrea concerning the above water right and the "error" in the partial decree for the source. The Department would not oppose moving to set aside the partial decree to change the source from Chattanooga hot springs to springs.

If you have any questions concerning this email, please feel free to contact myself or Andrea.

Thanks,

5/17/2012

Jan Shurte

Adjudication Technical Analyst
Idaho Dept of Water Resources
322 E Front St
Boise, Idaho 83720
(208) 287-4992

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