

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

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

By _____
CIVIL CASE NUMBER: 39576 CP Clerk
Claim ID: 86-12160 Deputy Clerk
Date Received: 12.9.22
Receipt No: 1114844
Claim Fee: \$25.00 By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

RECEIVED

DEC 09 2022

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly

- Name of claimant(s) TOM E. GREER AND TRACY J. BURCH GREER Phone (208) 874-7823
Mailing address 1939 Hwy. 9 DEARY ID Zip 83823
Street or Box City State
Email address (optional) tfgr@cpinternet.com
- Date of priority: (Only one per claim) August 23, 1998 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (☒ or Other () (a) N/A
which is tributary to (b) N/A
- Location of point of diversion is: Township 40N, Range 03W, Section 1,
NW 1/4 of NW 1/4, or Govt. Lot 5 BM, County of LATAH;
Parcel no. RP40N03W013050A
Additional points of diversion, if any: N/A
If available, GPS coordinates: N/A
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Well, 500 FEET DEEP w/pump piped TO PLACE OF USE.
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For DOMESTIC purposes from 1/1 to 12/31 amount 0.04 cfs (☒ or AFY ()
For STOCK WATER purposes from 1/1 to 12/31 amount 0.02
Month/Day Month/Day
7. Total quantity claimed 0.06 cfs (☒ or AFY ()
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
DOMESTIC: 1 HOME ; STOCK WATER: 4 HEAD HORSES

9. Location of place of use is: Township 40N, Range 03W, Section 1,
NW 1/4 of NW 1/4, Govt. Lot 5 BM, Parcel no. SAME
If different than shown in Item 4
for (check one) Domestic () Stock () Domestic and Stock (☒)

Additional places of use, if any N/A

10. In which county(ies) are lands listed above as place of use located? LATAH

11. Do you own the property listed above as place of use? Yes (☒) No ()
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks (include an explanation of the priority date selected):
PRIORITY DATE IS THE DATE OUR WELL WAS RECORDED AND
PUT INTO USE.

14. Basis of claim (check one) Beneficial Use (☒) Posted Notice () License () Permit () Decree ()
Court _____ Decree Date _____ Plaintiff v. Defendant _____
If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How You Will Receive Notice in the Snake River Basin Adjudication."

(b.) I/We do do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3- WELL LOG + AERIAL VIEW OF SUBJECT PROPERTY

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Tom E Greer Date: 11/28/22
Tracy J. Greer Date: 11/28/22

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

N/A of N/A,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent N/A Date _____

Printed Name of Authorized Agent N/A

16. Notice of Appearance:

Notice is hereby given that I, (please print) N/A, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature N/A Date _____

Address N/A

Name of claimant(s) Tom E Greer AND Tracy J. Greer Claim ID 86-121160
OR

WELL DRILLER'S REPORT

77395

inspected by

Two _____ Age _____ Sec _____

$$\frac{1}{4} \quad \frac{1}{4} \quad \frac{1}{4}$$

Lat: : : Long: : :

☒ Air ☐ Flowing Artesian

11. WELL TESTS:

☐ Pump ☐ Bailer☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
3 1/2 to 4			

Water Temp.

Bottom hole temp.

Water Quality test or comments:

Depth first Water Encounter

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
8	0	2	light		
	2	8	clay		
	8	20	med soft granite	✓	
6	20	200	soft fine grained		
	200	375	black granite	✓	
	375	428	gray granite		
	428	439	black gravel		
	439	487	black softer granite		
	487	523	sand gray color granite	✓	
RECEIVED AUG 25 1998 NORTHERN REGION IDWR					
Completed	Depth		500 ft	(Measurable)	
Date: Started	7/15/98		Completed	7/17-98	

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name

Firm No. 123

Firm Official

Date _____

and

Driver or Operator

(Sign once if Firm Official & Operator)

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

24 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: *cut it for small*

40N 3W..

FORWARD WHITE COPY TO WATER RESOURCES

RECEIVED

DEC 06 2022

DEPARTMENT OF
WATER RESOURCES

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

86-12160
(Insert water right number)

MOTION FOR DETERMINATION OF
DEFERRED *DE MINIMIS* DOMESTIC OR
STOCK WATER USE

Please fill in the following information:

NAME AND ADDRESS OF WATER RIGHT CLAIMANT.

Name:

Address:

Tom E. GREER AND TRACY J. BURCH - GREER
1939 Hwy. 9
DEARY, ID 83823

Daytime Phone:

208-874-7823

Name & Address of Attorney, if any:

N/A

I HAVE ATTACHED:



A fully completed Notice of Claim (available from IDWR).



A claim filing fee for a domestic and stock water use pursuant to I.C. § 42-1414. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount required by the statute.

SCANNED

DEC 06 2022

I HAVE READ AND REVIEWED THE FOLLOWING:

- ☒ The procedures governing the filing and prosecution of this Motion as set forth in the Court's *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012, and the *Order Amending Procedure in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, entered October 17, 2017.
- ☒ The *Order Granting State of Idaho's Motion for Interim Order Implementing the Order Governing Procedures of Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on December 18, 2013.

INSTRUCTIONS REGARDING THE HEARING ON THIS MOTION: A hearing on your Motion will be scheduled by the Court after the filing of the *Affidavit of Publication* as required under paragraph B.1. of the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012, and the *Order Amending Procedure in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, entered October 17, 2017.

Signed: _____

Tom E. Lane
[Signature]

Dated: _____

11/28/2022
11/28/2022

CERTIFICATE OF MAILING

I certify that on DECEMBER 1, 2022, I mailed original and copies of this form, including all attachments, via certified mail and addressed as follows to the following persons:

1. Original to:

**Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707**

2. Copies to:

**Director of IDWR
PO Box 83720
Boise, ID 83720-0098**

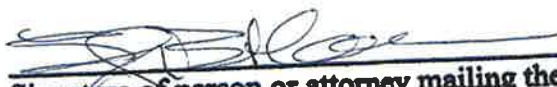
**United States Department of Justice
Environment & Nat'l Resources Div.
550 W Fort Street, MSC 033
Boise, ID 83724**

**Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010**

3. Certified Mail Copies to:

**U.S. Attorney's Office
800 Park Blvd., Ste. 600
Boise, ID 83712**

**U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001**



Signature of person or attorney mailing the form

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54 (b) FOR

Water Right 86-12160

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

NOV 24 2023

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

TOM E GREER
TRACY BURCH GREER
1939 HWY 9
DEARY, ID 83823

SOURCE:

GROUND WATER

QUANTITY:

0.06 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE:

08/23/1998

POINT OF DIVERSION:

T40N R03W S01 LOT 5 (NWNW) Within Latah County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Domestic
Stockwater

PERIOD OF USE
01-01 TO 12-31
01-01 TO 12-31

QUANTITY
0.04 CFS
0.02 CFS

Domestic use is for 1 home.

PLACE OF USE:

Stockwater
T40N R03W S01 LOT 5 (NWNW)

Within Latah County

Domestic
T40N R03W S01 LOT 5 (NWNW)

Within Latah County

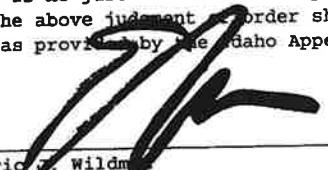
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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.


Eric W. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

Claim No. 86-12160

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

May 16, 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 December 5, 2022, for water right claim no. 86-12160. 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 Craig Saxton, Manager, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim no. 86-12160 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is August 23, 1998. The claim contained a copy of the Well Driller's Report for Well Tag No. D005101, showing the owner as Tom Greer. The completed date listed on the well driller report is July 17, 1998, supporting the claimed priority date. The priority date is recommended as claimed.

Point of Diversion

The claimed point of diversion is located on Latah County parcel RP40N03W013050A. The location of the point of diversion is described as Township 40 North, Range 03 West, Section 1, Govt Lot 5 (NWNW). The claimed point of diversion location is supported by the well driller report. According to the Latah County parcel data, Tom Greer owns the property at the point of diversion. The point of diversion is recommended as claimed.

Source

The source claimed is “ground water”. The documents in the claim file support the claimed source as a well. The source is recommended as claimed.

Place of Use

The claimed place of use is located on Latah County parcel RP40N03W013050A. The location of the place of use is described as Township 40 North, Range 03 West, Section 1, Govt Lot 5 (NWNW). According to the Latah County parcel data, Tom Greer owns the property described as the claimed place of use. Maps identifying the place of use were provided by the claimant. 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 4 head of horses.

Aerial photography available to IDWR supports domestic and stockwater use. Domestic structures are visible and there appears to be a fenced pasture supporting the stockwater use. The claimed year-round season of use for domestic and stockwater is recommended as claimed.

Quantity

The total claimed quantity is 0.06 cubic feet per second (“cfs”) which is within the typical range of diversion rates associated with domestic use and stockwater use according to Appendix 1 of IDWR’s Adjudication Memorandum #58 and #4. Specifically, 0.04 cfs was claimed for domestic use and 0.02 cfs was claimed for stockwater use. 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 86-12160, as claimed, for both domestic use 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. 86-12160, which includes the recommendation of deferred *de minimis* water right no. 86-12160.

Respectfully submitted this 16th day of May, 2023.



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on _____, 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, 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

Latah County Courthouse
522 S Adams St Ste 1
Moscow, ID 83843

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

Tom Greer & Tracy Burch Greer
1939 Hwy 9
Deary, ID 83823

☐ 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

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

Signature of person delivering form

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

RIGHT NUMBER: 86-12160

NAME AND ADDRESS: TOM E GREER
1939 HWY 9
DEARY ID 83823

TRACY BURCH GREER
1939 HWY 9
DEARY ID 83823

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: 08/23/1998

POINT OF DIVERSION: T40N R03W S1 NWNW Lot 5 Within LATAH 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
	STOCKWATER	01/01 12/31	0.020 CFS
Domestic use is for 1 home.			

PLACE OF USE:

STOCKWATER in LATAH County
T40N R03W S01 Lot 5 NWNW

DOMESTIC in LATAH County
T40N R03W S01 Lot 5 NWNW

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.

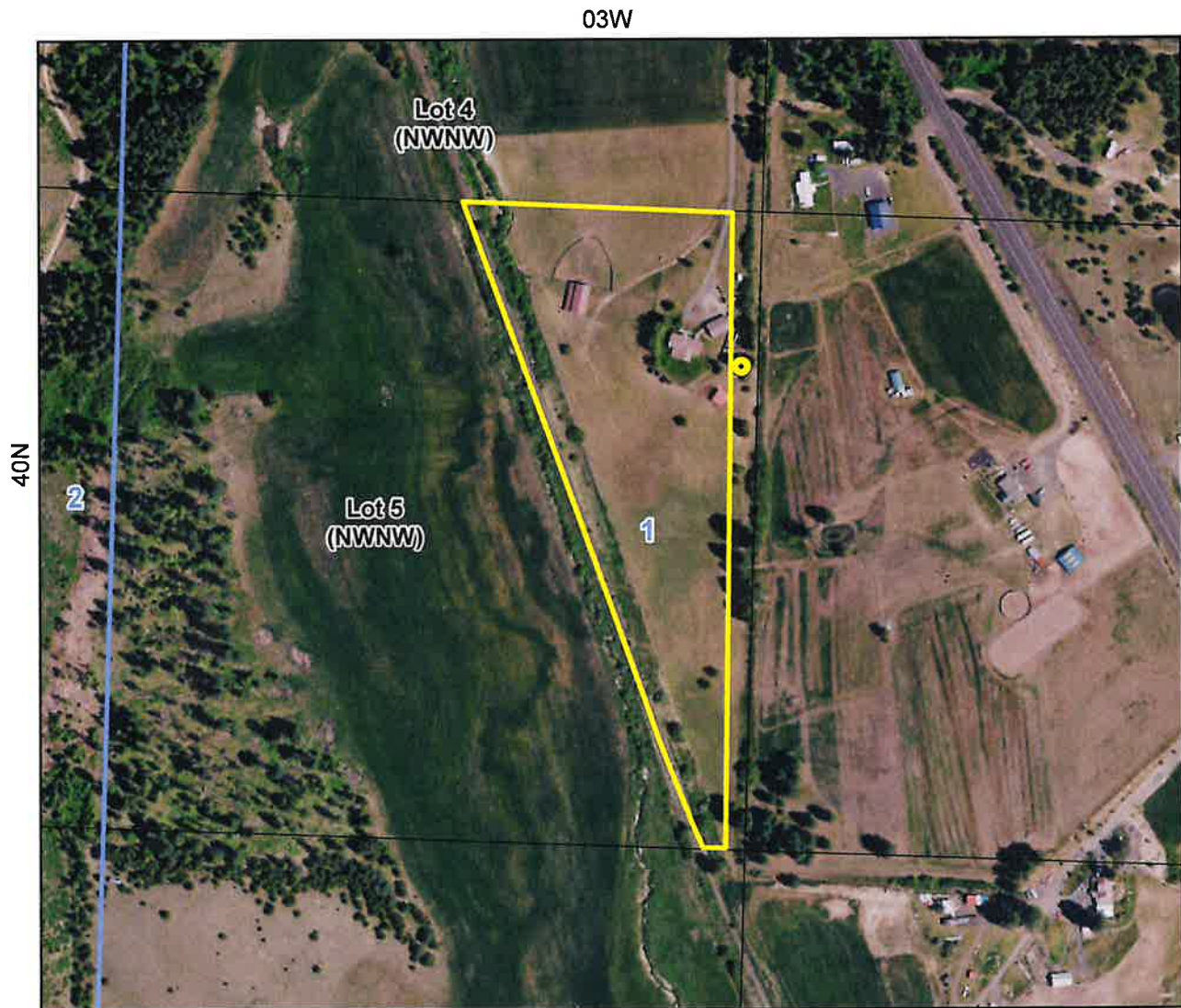
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP40N03W013050

Stockwater use is for 4 head of horses.

State of Idaho
Department of Water Resources
Adjudication Recommendation
86-12160



0 0.045 0.09 0.18 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 13 2023	
By _____	Clerk
	Deputy Clerk

**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	)	Water Right Claim: 86-12161
	)	
Case No. 39576	)	
	)	NOTICE OF EXAMINATION
	)	OF DEFERRED <i>DE MINIMIS</i>
	)	DOMESTIC AND/OR STOCK
	)	WATER USE

A Motion for Determination of Deferred De Minimis Domestic or Stock Water Use

(Motion) was filed with the district court on January 3, 2023, for water right claim 86-12161. The claimants have published notice of the Motion, and no objections to the claim have been filed.

The Director of the Idaho Department of Water Resources (IDWR):

- ☐ Will not conduct an examination of the claim.
- ☒ Will conduct an examination of the claim and file a report with the district court on or by **April 15, 2024**. The Director estimates the costs for examination of the claim and preparation of the report to be **\$100.00**.
- ☐ Will commence an examination of the water system pursuant to Idaho Code § 42-1410 (2003) and file a report on its findings with the district court on or by _____. The Director estimates the costs for examination of the water system and preparation of the report to be _____.

Pursuant to the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* issued on June 28, 2012, in the Snake River Basin Adjudication (SRBA) main case no. 39576, the claimant shall forward the amount of costs estimated above, \$100.00, to the Director. IDWR has served a copy of this *Notice of Examination of Deferred De Minimis Domestic and/or Stock Water Use* on the claimant(s) as notification that the charges are now due. The claimant should remit payment to: IDWR, P.O. Box 83720, Boise, Idaho 83720-0098.

DATED: April 10, 2023



 Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 11, 2023, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile

2. Copies to claimant:

Dale and Wendy Renfrow
1029 Havens Road
Kendrick, ID 83537

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

☐ Overnight mail
☐ Regular mail
☒ Hand-delivered
☐ Facsimile

Josie Harris
Signature of person mailing this document

NEWS REVIEW PUBLISHING COMPANY
The Moscow-Pullman Daily News
P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Sold To: DALE & WENDY RENFROW
1029 HAVENS ROAD
KENDRICK ID 83537

Date:	01/28/2023	DISTRICT COURT - SRBA 2181
Account No.	999914	Fifth Judicial District
Description	172181 NOTICE O	County of Twin Falls - State of Idaho
Times	4	FEB - 8 2023
		Lines 37
		Tab. lines
		By Clerk
		\$ 111.92
		Deputy Clerk
	PO#	Renfrow, Dale

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

S KELLAM, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

1/7, 1/14, 1/21 &
1/28/2023

the same being the date designated for
the publication of said notice.

Skellam
On this 31 day of Jan
in the year of 2023, before me, a Notary Public,
personally appeared S KELLAM,
known or identified to me to be the person
whose name subscribed to the within instrument,
and being by me first duly sworn, declared that
the statements therein are true, and acknowledged
to me that he executed the same.

Sanity
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/28



SCANNED