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

MAY 19 2026

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)
)
Case No. 39576)
)
)
)
)
)
)
)
)
_____)

Subcase 63-35797
(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: Richard D. Tracy & Debra Tracy
Address: 33607 Apple Valley Rd.
Parma, Idaho 83660

Daytime Phone: _(208) 794-3236

Name & Address of Attorney, if any:

_____
_____
_____
_____

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.

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: X _____
Debra Tracy

Dated: May 13, 2026
May 13, 2026

CERTIFICATE OF MAILING

I certify that on May 13, ____, 2026 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.
PO Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

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
1290 W Myrtle St, Ste 500
Boise, ID 83702

U.S. Department of Justice
Environment & Nat'l Resources Div.
Four Constitution Square
150 M Street NE
Washington, D.C. 20002

X Debra Tracy
Signature of person or attorney mailing the form

EXHIBIT A

Site Maps / Sketch of Property

Canyon County Assessor



4/11/2026, 5:14:48 PM

Imagery 2025

Red: Band_1

Green: Band_2

Blue: Band_3

Canyon County Roads

Canyon County Roads

Sections-Adjusted for Assessment

County

Taxparcels

1:1,128

0 0.01 0.02 0.04 mi

0 0.01 0.03 0.06 km

EXHIBIT A.1

Public

Maps and data are to be used for reference purposes only and Canyon County, Idaho is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.


CLAIM 63-35797 MAP
Legend
33607 Apple Valley Rd
DEER FLAT NATIONAL WILDLIFE REFUGE
POD
06N05W
POU
33607
33607 Apple Valley Rd
18
Apple Valley Rd
Apple Valley Rd
SENE
Google Earth
Image © 2025 Airbus
EXHIBIT A.2
100 ft
N

CLAIM 63-35797 MAP



EXHIBIT A.3

Attachment B

Photos of house, yard, and water use



EXHIBIT B.1



EXHIBIT B.2

Attachment C

Photos of well and pump system

DENNIS PHIPPS WELL DRILLING INC
12464 Karcher Rd
Nampa, ID 83651 US
+12084654444
dpwdinc7@dpwdid.com
www.dpwdid.com

Invoice

DPWD
DENNIS PHIPPS WELL DRILLING INC.

BILL TO	SHIP TO
Richard Tracy 33607 Apple Valley Rd Parma, ID 83660	Richard Tracy 33607 Apple Valley Rd Parma, ID 83660

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
P8818	01/27/2026	$0.00	02/11/2026	Net 15	

OFFICE APPROVAL
BMC

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Service Call	Service Call Static: 47' to top of casing Well depth: 126' Well drilled in 1962 25 gpm out of hydrant 1hp standard system in a pit	1	75.00	75.00

PAID

DISCLAIMER:
Payment for this project is due upon completion. Any unpaid balance more than 15 days past the due date will incur a 3% finance charge. Balances unpaid after 30 days will incur an additional 3% finance charge per month until the invoice is paid in full, and may be subject to a lien on the property.
Payments should be mailed to the address listed on your invoice.
Credit card payments will include a 3% convenience fee. Bank EFT transactions are accepted free of charge. A $20 fee will be applied to all returned checks.
Refundable deposits and receipts may take up to 10 business days to process.

SUBTOTAL	75.00
TAX	0.00
TOTAL	75.00
PAYMENT	75.00
BALANCE DUE	**$0.00**

Pay invoice

Lic. # for drilling
332

82-0461773 EIN #

Protect your water! Ask us about our water treatment options!

EXHIBIT C.1



EXHIBIT C.2



EXHIBIT C.3



EXHIBIT C.4

Attachment D

Historical records

(Affidavit of Prior use, County Assessor Property Details)

AFFIDAVIT OF PRIOR USE AND WATER RIGHTS

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

I, **James Otoni**, being first duly sworn upon oath, hereby depose and state as follows:

1. I am over the age of eighteen (18) years and am competent to testify to the matters contained herein. I have personal knowledge of the facts set forth in this Affidavit.

2. I am the son of **George Otoni**, who acquired and owned the real property commonly known as 33607 Apple Valley Road, Parma, Idaho, beginning in or about the year 1950.

3. I resided at and/or was personally familiar with said property during the period of my father's ownership and occupancy.

4. In or about the year 1962, my parents constructed a residence upon the property and caused a well to be drilled and installed on the property to provide a reliable source of water.

5. From approximately 1962 forward, the well located on the property was continuously, openly, and beneficially used by my father, George Otoni, and our family for domestic and/or agricultural purposes.

6. Prior to the construction of the residence and installation of the well in 1962, I do not have knowledge as to the source of water utilized on the property.

7. To the best of my knowledge, information, and belief, the well currently located on the property is the same well that was installed and placed into use beginning in or about 1962.

8. This Affidavit is made for the purpose of establishing historical and continuous beneficial use of water associated with the property in accordance with the laws of the State of Idaho, and may be relied upon in any legal or administrative proceeding.

9. I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 19 day of March, 2026

James Otoni
Affiant

SUBSCRIBED AND SWORN to before me this 19TH day of MARCH, 2026.

Notary Public for the State of Idaho
Residing at: Parma, ID 83660
My Commission Expires: 9/15/2026

G. SCOTT YEKEL
Comm. No. 64257
NOTARY PUBLIC
Expires: 09/15/2026
STATE OF IDAHO

EXHIBIT D.1



EXHIBIT D.2



EXHIBIT D.3

Return | New Search | Tax Info | Print

General Information

Owner: Tracy Richard D, Tracy Debra H/W
Mailing Address: 33607 Apple Valley Rd Parma Id 83660
Property Address: 33607 Apple Valley Rd
Neighborhood: 360000 Parma Rural Tracts & Subs

Parcel ID: 25090000 0
Property Class: 537 Res Impr on Cat 15
Deeded Acres: 1.7300
District: 049-00

Last updated: 4/10/2026 05:33:36 PM

Map Info

Parcel ID	Link to Interactive Map (Click Below to Navigate to Map)
25090000 0	33089

Legal Descriptions

Description
18-6N-5W NE ORCH TR OF OR ID ORC TAX 1-A IN BLK 1

Ownership Transfer History

Instrument	Date	Owner	Grantee
No sales history data exists.			

Exemption History

Effective Year	Modifier	Application Date	Exemption Expires	Override Amount	Percent	Total Value	Exemption Amount	Net Taxable Value
2024	Homeowner Standard Cap	1/1/08	No Expiration	0.00	100	388,210	125,000	263,210
2025	Homeowner Standard Cap	1/1/08	No Expiration	0.00	100	393,700	125,000	268,700

Net Taxable Value

Tax Year	Description	Value
2025	Original	268,700
2024	Original	263,210

Value History

Year	Reason	Land Value	Improvement Value	Total Value
2025	02- Assessment Update	162,900	230,800	393,700
2024	02- Assessment Update	168,810	219,400	388,210
2023	02- Assessment Update	168,810	219,800	388,610
2022	02- Assessment Update	170,440	230,400	400,840
2021	01- Revaluation	79,580	212,400	291,980

Values Eligible for State Reimbursement Credits

Tax Year	Value Desc	Value Amount
2025	HTR Homeowner Value	$245,800.00
2024	HTR Homeowner Value	$234,400.00

Land Details

Land Type	Acres	Total Value
140K SCHEDULE	1.00	$140,000
140K SCHEDULE	0.56	$22,900
19 Waste / Easement	0.17	$0

Improvements

Property Record	Improvement ID	Use Code	Description	Year Built	Length (ft.)	Width (ft.)	Area	Area Units
R01	D	DWELL	Dwelling	1962	n/a	n/a	1704	Fin SF
R01	01	POLEBLDG	General Purpose Bldg Wood Pole Frame	1962	40.00	12.00	480	SF

Additional Commercial Info.

Property Record	Use Code	Description	Gross Square Footage
No additional commercial improvements data is present.			

Floor Areas

▲ Property Record : R01

Property Record	Construction	Description	Code	Gross sq. ft.	Finished sq. ft.
R01	Wood frame w/sheathing	Floor Level	1.0	1,704	1,704
R01	Concrete block	Basement	B	196	0
Totals				Gross	Finished
				1900	1704

Commercial Floor Area

Permits

Filing Date	Inactive Date	Sq Ft	Permit Description
No permits data is available.			

EXHIBIT D.4

Tax ID 066500010000 Printed 02/02/2026

Physical Characteristics

Style: 016 1Story w/Bsmt (1960-1984)
Occupancy: Single family - Owner

Story Height:	1.0
Finished Area:	1704
Attic:	None
Basement:	None

ROOFING

Material: Cedar shingles
Type: Gable
Framing: Std for class
Pitch: Not available

FLOORING

Slab B
Sub and joists 1.0
Base Allowance 1.0

EXTERIOR COVER

Hardboard	1.0
Masonry	B

INTERIOR FINISH

Drywall	1.0

ACCOMMODATION

Finished Rooms	7
Bedrooms	4
Formal Dining Rooms	1

HEATING AND AIR CONDITIONING

Primary Heat: Forced hot air-oil

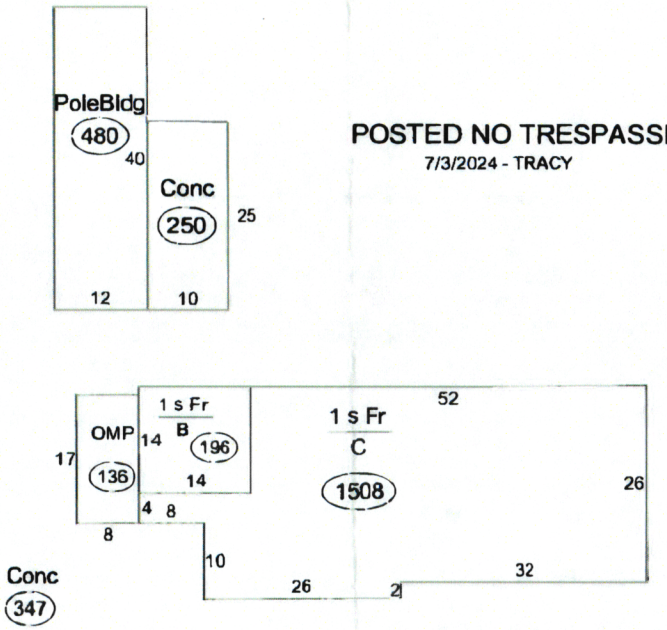
	Lower /Bsmt	Full Upper	Part Upper
Air Cond	0	1704	0	0

PLUMBING

	#	TF
4 Fixt. Baths	1	4
3 Fixt. Baths	1	3
Kit Sink	1	1
Water Heat	1	1
TOTAL		9

REMODELING AND MODERNIZATION

	Amount	Date



Special Features

Description
D : 1s Outside masonry chimney, Basic allowance, Masonry fireplace, Rough-in
01 : Concrete floor

Summary of Improvements

ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
D	DWELL	0.00		3	1962	1962	AV	1900
01	POLEBLDG	10.00		3	1962	1962	AV	12x 40

EXHIBIT D.5

TRACY RICHARD D
TRACY DEBRA H/W
33607 APPLE VALLEY RD
PARMA, ID 83660

18-6N-5W NE ORCH TR OF OR ID ORC TAX 1-A IN BLK 1

Neighborhood Number
360000

Neighborhood Name
PARMA RURAL TRACTS & SUBS

Property Class
537 537 Res Impr on Cat 15

TAXING DISTRICT INFORMATION

Jurisdiction Name	Canyon
Area	001
District	049-00
Census Tract	0

Site Description
Topography

Public Utilities

Street or Road
Paved

Neighborhood
Static

Zoning:

Legal Acres:
1.7300

Transfer of Ownership

Valuation Record

Assessment Year		2019	2020	2021	2022	2023	2024	2025
Reason for Change		02- Assessme	02- Assessme	01- Revaluat	02- Assessme	02- Assessme	02- Assessme	02- Assessme
Market Value	L	44380	55110	79580	170440	168810	168810	162900
	I	137100	149300	212400	230400	219800	219400	230800
	T	181480	204410	291980	400840	388610	388210	393700



Land Size

Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
140K SCHEDU140K SCHEDULE	30K	1.0000		
140K SCHEDULE	EX7K	0.5600		
19 Waste / Easement		0.1700		

EXHIBIT D.6

Attachment E

Water Share

NUMBER

-2934-



SHARES

-1-

Farmers' Co-Operative Ditch Company

INCORPORATED UNDER THE LAWS OF IDAHO

This Certifies that Richard D & Debra Tracy is the registered holder of one Shares

FARMERS' CO-OPERATIVE DITCH COMPANY

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 6th day of March A.D. 19-

Jerry A. Stone
Secretary

President

FARMERS CO-OPERATIVE DITCH COMPANY INCORPORATED 1908 IDAHO

©GOES 760.

EXHIBIT E.1