



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

January 8, 2009

Idaho Department of Water Resources  
ATTN: Michael Holliday  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

*RE: Brower Claims*

Dear Michael:

Enclosed for your signature are SF5s for the Brower claims. After you sign and initial the SF5s, please return the original documents to me and I will obtain the remaining signatures and file the documents with the SRBA Court.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ray".

Ray Williams  
Paralegal

Enclosures

**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     | ) | Subcase No. 22-13900            |
|                | ) | <i>Split from 22-13374</i>      |
|                | ) |                                 |
| Case No. 39576 | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANTS:**

W. Reid & Marjean Brower Family Trust

\_\_\_\_\_  
By: Date  
Title:

**DWR Concurrence:**

\_\_\_\_\_  
Michael Holliday                      Date  
Senior Water Resource Agent

Andrea L. Courtney 1/7/05  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 22-13900

NAME AND ADDRESS:

W REID AND MARJEAN BROWER FAMILY  
TRUST  
881 HWY 32  
TETONIA ID 83452

SOURCE: Source:  
BADGER CREEK

Tributary:  
TETON RIVER

QUANTITY: 0.830 CFS ~~0.720 CFS~~

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T06N R45E S8 NWNESE  
Within TETON County

PURPOSE AND  
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.830 CFS

~~0.720 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S17 NWNW 1.5

~~T06N R45E S17 NWNW 2.5~~

T06N R45E S17 SWNW 35.0

~~T06N R45E S17 SWNW 34.0~~

36.5 ACRES TOTAL

Right Nos. 22-13900 and 22-13904 are limited to the irrigation of a combined total of 36.5 acres in a single irrigation season.

~~The rights listed below are limited to the irrigation of a combined total of 36.5 acres in a single irrigation season. Combined Right Nos.: 22-13900, 22-13904, and 22-13908.~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Stewart Ditch.

This right is a split from former right 22-174B.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, IDAHO 83303-2707

2. Copies to:

W. REID AND MARJEAN BROWER  
FAMILY TRUST  
881 HWY. 32  
TETONIA, ID 83452

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

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Signature of person or attorney mailing the form