



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. 22-13376
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

CLAIMANT/OBJECTOR:

Kolene Later

Jerry R. Rigby Date
Attorney for Claimant/Objector

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 1/7/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13376

NAME AND ADDRESS:

KOLENE LATER
943 N HWY 32
TETONIA ID 83424

~~BEULAH BROWER~~
~~947 HWY 32~~
~~TETONIA ID 83452~~

SOURCE:

Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY:

0.240 CFS

~~0.220 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

0.240 CFS

~~0.220 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 NESW 1.7

~~T06N R45E S08 NESW 2.2~~

T06N R45E S08 NWSW 9.1

~~T06N R45E S08 NWSW 8.8~~

10.8 ACRES TOTAL

~~11 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 10.8 acres in a single irrigation season. Combined Right Nos.: 22-13376, 22-13379, and 22-13382.

~~Use of this right with Right Nos. 22-13376, 22-13379, and 22-13382 are limited to the irrigation of a combined total of 11 acres in a single irrigation season.~~

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.

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

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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:

KOLENE LATER
Represented by:
JERRY R. RIGBY
25 N. 2nd E.
P.O. BOX 250
REXBURG, ID 83440-0250

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

Signature of person or attorney mailing the form