



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

February 17, 2009

Jerry R. Rigby
25 N. 2nd E.
P.O. Box 250
Rexburg, ID 83440-0250

RE: SRBA Subcase Nos. 22-13376 et al (Later & Brower)

Dear Jerry:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. After signature, please file the original SF5s with the SRBA Court and provide copies to the parties. If you prefer to return the original SF5s to me for filing, I'd be happy to do so.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

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.

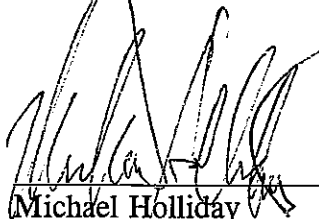
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

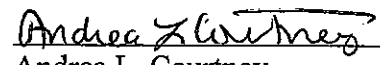
Kolene Later

Jerry R. Rigby Date
Attorney for Claimant/Objector

IDWR Concurrence:



Michael Holliday 1/13/2009 Date
Senior Water Resource Agent



Andrea L. Courtney 1/7/09 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	<u>0.240 CFS</u> ~~0.220 CFS~~

PLACE OF USE: IRRIGATION within TETON County

T06N R45E S08 NESW 1.7
T06N R45E S08 NWSW 9.1

~~T06N R45E S08 NESW 2.2~~
~~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

**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. 22-13382
	)	
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.

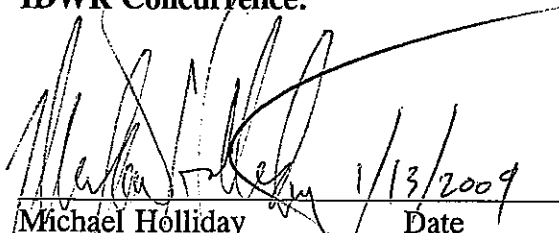
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

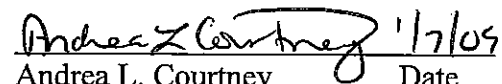
Kolene Later

Jerry R. Rigby Date
Attorney for Claimant/Objector

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13382

NAME AND ADDRESS:

KOLENE LATER
943 N HWY 32
TETONIA ID 83424

RON BROWER
947 HWY 32
TETONIA ID 83452

BEULAH BROWER
947 HWY 32
TETONIA ID 83452

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 0.160 CFS
37.800 AFY

~~0.070 CFS~~
~~25.500 AFY~~

PRIORITY DATE: 10/31/1960

POINT OF DIVERSION:

T06N R45E S8 SWNESW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/15

0.160 CFS 37.80 AFY

~~0.070 CFS 25.50 AFY~~

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-2189.

The following rights are diverted through point of diversion described above: 22-13382, 22-13871, and 22-13907.

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:

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

**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. 22-13907
	)	<i>Split from 22-13380</i>
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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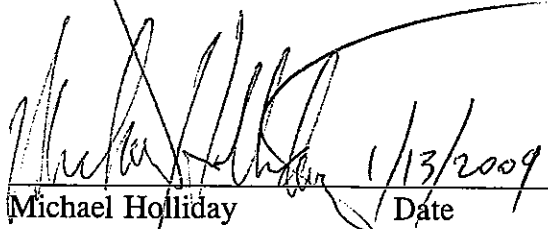
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

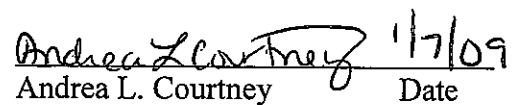
CLAIMANT:
Beulah Brower

_____ Jerry R. Rigby Attorney for Claimant	_____ Date
--	---------------

DWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13907

NAME AND ADDRESS:

BEULAH BROWER
947 HWY 32
TETONIA ID 83452

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.570 CFS
133.000 AFY

~~0.270 CFS~~
~~98.500 AFY~~

PRIORITY DATE: 10/31/1960

POINT OF DIVERSION:

T06N R45E S8 SWNESW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/15

0.570 CFS 133.00 AFY
~~0.270 CFS 98.50 AFY~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 NESW 7.5

~~T06N R45E S08 NESW 7.9~~

T06N R45E S08 NWSW 27.0

~~T06N R45E S08 NWSW 26.0~~

T06N R45E S08 SWSW 2.4

~~T06N R45E S08 SWSW 2.2~~

T06N R45E S08 SESW 1.0

~~T06N R45E S08 SESW 0.9~~

37.9 ACRES TOTAL

~~37 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of ~~37 acres~~ 37.9 acres in a single irrigation season. Combined Right Nos.: 22-13899, 22-13903, and 22-13907.

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 - License

This right is a split from former right 22-2189.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through point of diversion described above: 22-13382, 22-13871, and 22-13907.

CERTIFICATE OF MAILING

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TWIN FALLS, IDAHO 83303-2707

2. Copies to:

BEULAH BROWER
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

**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. 22-13903
	)	<i>Split from 22-13377</i>
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

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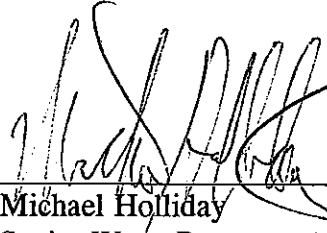
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Beulah Brower

_____ Jerry R. Rigby Attorney for Claimant	_____ Date
--	---------------

DWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13903

NAME AND ADDRESS:

BEULAH BROWER
947 HWY 32
TETONIA ID 83452

SOURCE:

Source:
BADGER CREEK

Tributary:

TETON RIVER

QUANTITY:

0.870 CFS

~~0.760 CFS~~

PRIORITY DATE:

01/18/1905

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

AK
M. W. H.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.870 CFS

~~0.760 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 NESW 7.5

~~T06N R45E S08 NESW 7.9~~

T06N R45E S08 NWSW 27.0

~~T06N R45E S08 NWSW 26.0~~

T06N R45E S08 SWSW 2.4

~~T06N R45E S08 SWSW 2.2~~

T06N R45E S08 SESW 1.0

~~T06N R45E S08 SESW 0.9~~

37.9 ACRES TOTAL

~~37 ACRES TOTAL~~

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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

This right is a split from former right 22-254A.

Water is delivered through Stewart Ditch.

CERTIFICATE OF MAILING

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25 N. 2nd E.
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REXBURG, ID 83440-0250

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

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	)	Subcase No. 22-13899
	)	<i>Split from 22-13374</i>
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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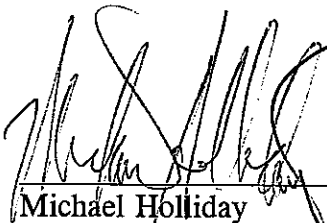
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CLAIMANT:

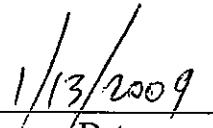
Beulah Brower

Jerry R. Rigby	Date
Attorney for Claimant	

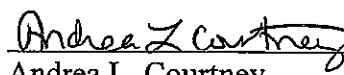
DWR Concurrence:



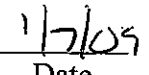
Michael Holliday
Senior Water Resource Agent



Date



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR



Date

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

RIGHT NUMBER: 22-13899

NAME AND ADDRESS:

BEULAH BROWER
947 HWY 32
TETONIA ID 83452

SOURCE:

Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY:

0.870 CFS

~~0.760 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

0.870 CFS

~~0.760 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 NESW 7.5

~~T06N R45E S08 NESW 7.9~~

T06N R45E S08 NWSW 27.0

~~T06N R45E S08 NWSW 26.0~~

T06N R45E S08 SWSW 2.4

~~T06N R45E S08 SWSW 2.2~~

T06N R45E S08 SESW 1.0

~~T06N R45E S08 SESW 0.9~~

37.9 ACRES TOTAL

~~37 ACRES TOTAL~~

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Stewart Ditch.

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

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