

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.~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 25, 2008

KOLENE LATER
943 N HWY 32
TETONIA ID 83424

RE: Notice of Change of Water Right Ownership (NCO) for
22-13376, 22-13379 and 22-13382 and Notice of Completed Administrative Proceeding (NCAP)

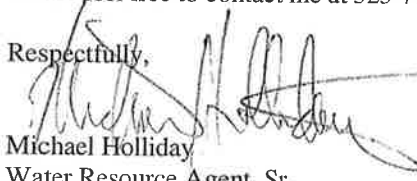
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s). Once IDWR processes the change of ownership, IDWR mails a copy of the updated water right record(s) (Director's Report) to each party listed on the NCAP. Enclosed please find the relevant NCAP(s) for your right(s). The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

You may recall the initial hearings held in Rexburg on August 19, 2008. During those hearings the present parties discussed changes that needed to be made to resolve issues related to place of use, acreage and diversion rate for the aforementioned water rights. You may notice that the changes discussed at the initial hearings are not reflected in the enclosed Director's Report. Those changes were excluded from this version of the Director's Report solely because the purpose of the NCAP is simply to inform the parties and the SRBA Court of the changes in ownership. A Standard Form 5 (SF5) settlement document will follow shortly under separate cover. The SF5 will incorporate the corrections that we discussed at the initial hearings. Once the parties sign the SF5 settlement documents for these water rights, the SF5s will be sent to Special Master Bilyeu for her review and then to Judge Melanson for partial decree.

Please feel free to contact me at 525-7161 if you have any questions concerning this matter.

Respectfully,


Michael Holliday
Water Resource Agent, Sr.

Enclosure

cc: RON BROWER
BEULAH BROWER

SCANNED
DEC 03 2008

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 Rights: 22-13376, 22-13379 &
22-13382

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☒ Substitution of Party BROWER & LATER - LATER

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 11/25/2008

Signature of IDWR Representative

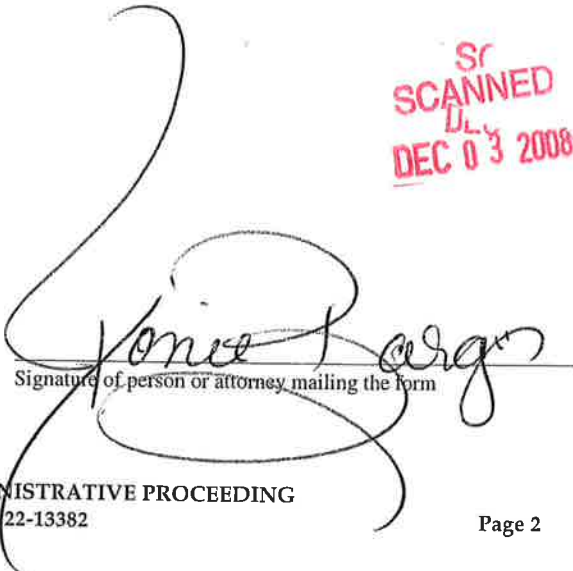
SCANNED

DEC 03 2008

CERTIFICATE OF MAILING

I certify that on Nov. 26, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Beulah Brower Kolene Later
Ron Brower 947 N Hwy 32
947 N Hwy 32 Felt ID 83424
Tetonia ID 83452
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Kolene Later
943 N Hwy 32
Tetonia ID 83424
4. One copy to:
Each party in the subcase, or attorney of record
Kolene Later
C/O Jerry R Rigby
25 N 2nd E
Rexburg ID 83440-0250
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

Sr
SCANNED
DEC 03 2008

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

SOURCE: BADGER CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.220 CFS

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T06N R45E S8 NWNESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.220 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S08	NESW	2.20	T06N R45E S08	NWSW	8.80
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11 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 11 acres in a single irrigation season. Combined Right Nos.: 22-13376, 22-13379, and 22-13382.

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 22-174.

SCANNED
DEC 03 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 10, 2007

KOLENE LATER
P O BOX 247
TETONIA ID 83452

Dear Kolene:

Earlier this year IDWR mailed you a copy of the Director's Report, which showed the Department's recommendation concerning your water right claims (22-13376, 22-13379, and 22-13382) in the Snake River Basin Adjudication (SRBA). Since then I have discovered that the Director's Report for your claims, as well as other claims filed on the property of former owner Edward W. Brower, was in error. I discovered the errors while attempting to process ownership changes from two new owners of the Brower property. I noticed problems with IDWR's recommendations in regards to ownership, place of use, acreage, and diversion rate. The primary cause of these problems was that earlier ownership changes had not been processed to accurately reflect the deeds.

If these issues are not resolved, these rights will be decreed with significant errors. That will make administration and any future transactions associated with these rights very challenging. The purpose of this letter is to solicit your help in the resolution of these issues. Apart from objections being filed with the court, we cannot correct these errors. Please consider filing an objection to these recommendations if they appear to you to be in error. From my perspective, the benefits for you would include an accurate place of use description and additional water for your property.

Enclosed you will find a map illustrating the Brower Place rights as shown in the Director's Report and another map illustrating what I believe should be the proper place of use of the Brower Place rights. I have also enclosed an objection form and instructions.

Please feel free to contact me at 208-525-7161 if you have any questions or concerns regarding this matter.

Sincerely,

Michael Holliday
Water Resource Agent
Adjudication Bureau



Idaho Department of Water Resources

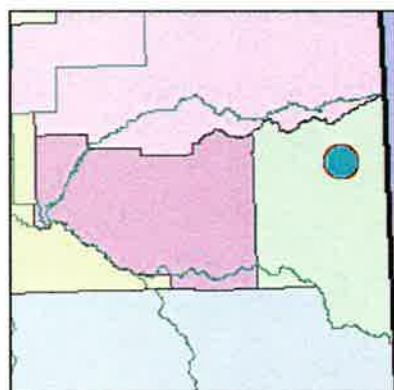
SRBA Recommendation:

22-13376

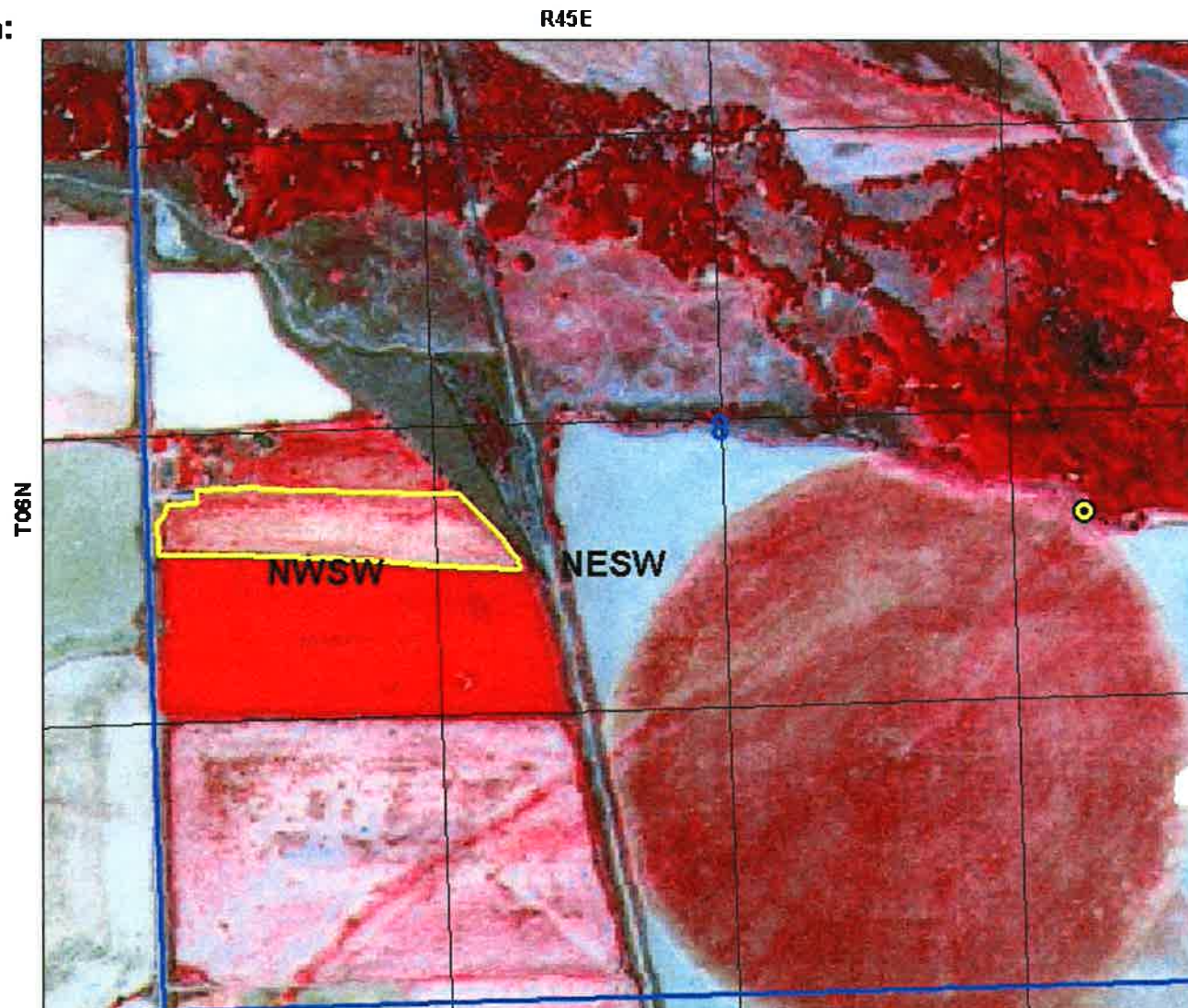
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



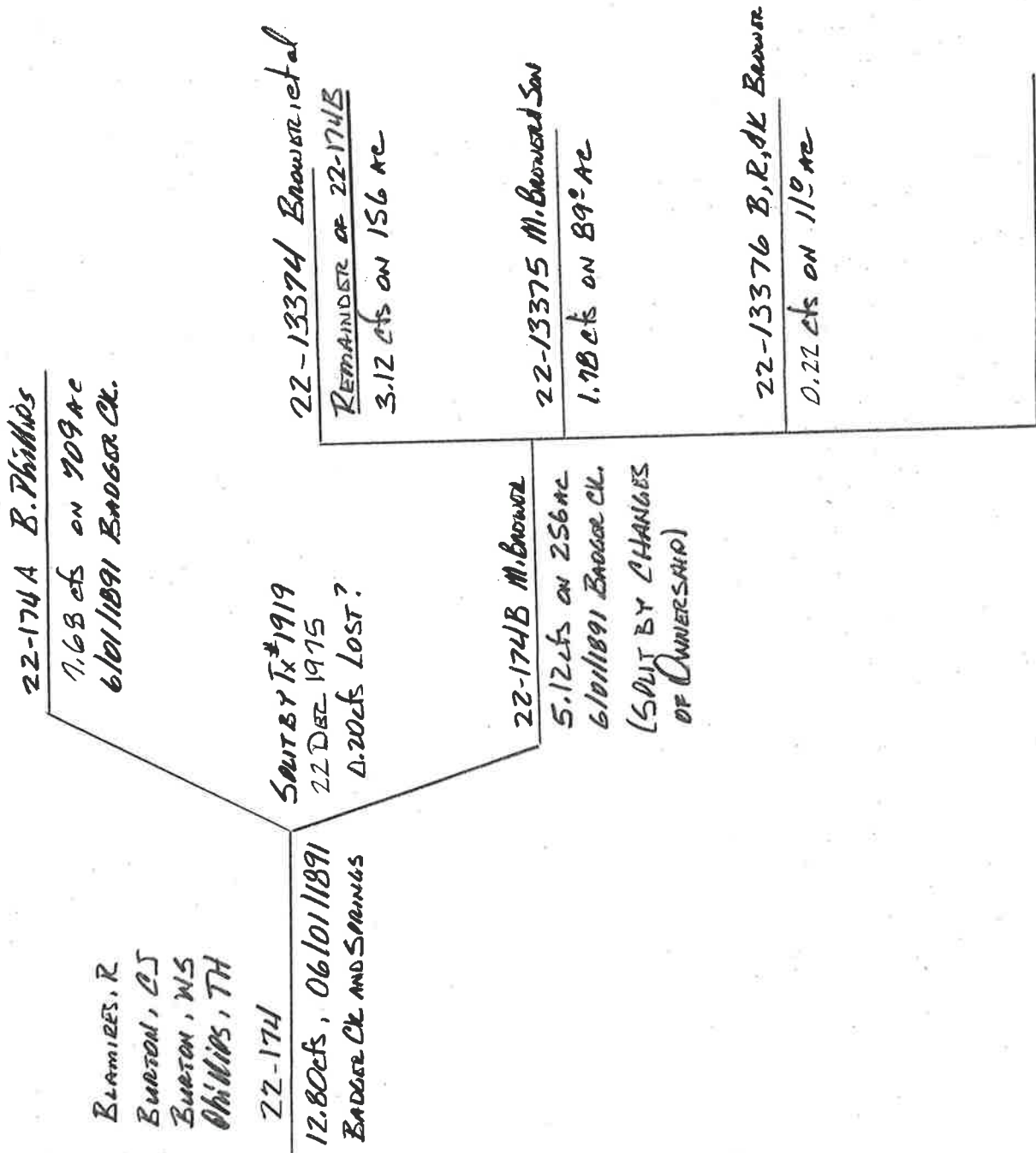
0 0.3 0.6 Miles

Prepared by C. Moore
On Tuesday, November 28, 2006
1987/88 Aerial Photography

Owner: Kolene Later

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Water Right and SRBA Split History Analysis



Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: _____

SCANNED

JUN 17 2005

PROFILED

Contacts Data Entry Form

Claim Number: 22-174B

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

DECREED UNDER ROXBURG vs TETON, 1910, AS: #98, to R. BLAMIRE, C.J. BURTON, HIS BURTON, TH. PHILLIPS, 640", 06/01/1891 FROM BADGER CHAND SPRINGS. $\Rightarrow$ 12.80 cfs

SPLIT TO A/B by TX 1919.

22-174A, 10.34 cfs on 600 ac, 1240 ac

22-174B, 2.26 cfs on 640 ac

12.60 cfs $\Rightarrow$ 0.20 cfs LOST?2 C/O'S RECEIVED: 1.) M. Brower & Son $\approx$ 89 ac2.) BRULA, RON & KOLENB $\approx$ 11 ac

100 ac

256 ac TOTAL CLAIMED BY BROWER, et al

LEAVES $\approx$ 156 ac to ORIGINAL CLAIMANTS

NO OTHER KNOWN C/O'S FOR LAND DIVISIONS

SRBA claims:

22-174A - 7.68 cfs on 709 ac. (TX PROBS OF FDU ac/eq)

22-174B - 5.12 cfs on 256 ac.

12.80 cfs RECEIVING 0.20 cfs LOST FROM

TX #1919.

 $\Rightarrow$ 965 ac

cfs

SEE ATTACHED SPLIT HISTORY OF 22-174B

SCANNED

Reviewer: _____

Date: _____

JUN 17 2005

FILED

Helena Stewart Ditch
not (owner) owner



Stewart Canal Diversion off Badger Creek
7/28/2004 2:54:37 PM, ABR

PROTECTED

SCANNED

JUN 17 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DELOG
AR
1-21-05

RECEIVED

JAN 19 2005

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-2189				
	22-254A				
SIX Docs in	22-174B		22-13374, 13375, 13376		

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 DEED CONT. FOR TRD, ESTATE DEED OR DISTRIBUTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

Beverly Brower / Ron Brower / Kolene Later
 Name Connector (Check one): ☒ and ☐ or ☐ and/or

New Mailing Address

947 St Hwy 30

P.O. Box 247

City, State and ZIP Code

Tetonia, Id 83452

Tetonia, Id 83452

New Telephone Number

(208) 456-2862

(208) 456-0056

5. Date you acquired the property

PROFILED

SCANNED
 JUN 17 2005

RECEIVED
 JAN 12 2005
 Department of Water Resources
 Eastern Region

T6N, R44E
T6N, R45E

Badger
Creek

65
78

32



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

CIVIL CASE NUMBER: 39576

Ident. Number 22-13376
Date Received: 5/10/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KOLENE LATER Phone: (208) 456-2862
947 N HWY 32
FELT ID USA 83424

BEULAH BROWER Phone: (208) 456-2862
947 ST HWY 32
TETONIA ID USA 83452

RON BROWER Phone: (208) 456-2862
947 ST HWY 32
TETONIA ID USA 83452

2. Date of Priority: 06/01/1891

3. Source: BADGER CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	9	NW NW SE	TETON	

5. Description of diverting works:

HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.22	

7. Total Quantity Appropriated is:

0.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	45E	8	NW SE	IRRIGATION	9
			NE SE	IRRIGATION	2
				Section Acres	11

Total Acres 11

SCANNED

JUN 17 2005

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

TRANS. 1919 WAS NEVER PERFECTED OR PUT TO USE, THIS WATER RIGHT HAS ALWAYS BEEN USED ON THE ORIGINAL POU.

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

C/O FILED W/ DEEDS. RECEIPT NO. M001456

15. Basis of Claim: Decreed

PROPRIETARY

SCANNED
JUN 17 2005