

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 ~~0.070 CFS~~
37.800 AFY ~~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	<u>0.160 CFS 37.80 AFY</u> ~~0.070 CFS 25.50 AFY~~

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 - 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.



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)

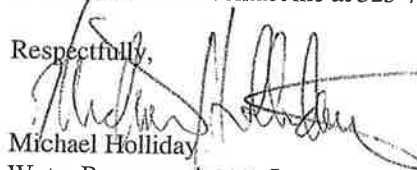
Dear SIR/MADAM:

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

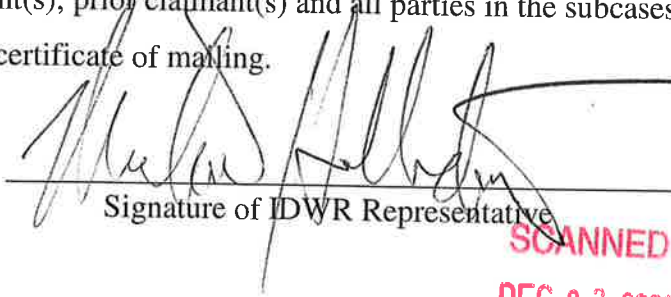
IDWR has completed the following Administrative proceeding:

- ☒ 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

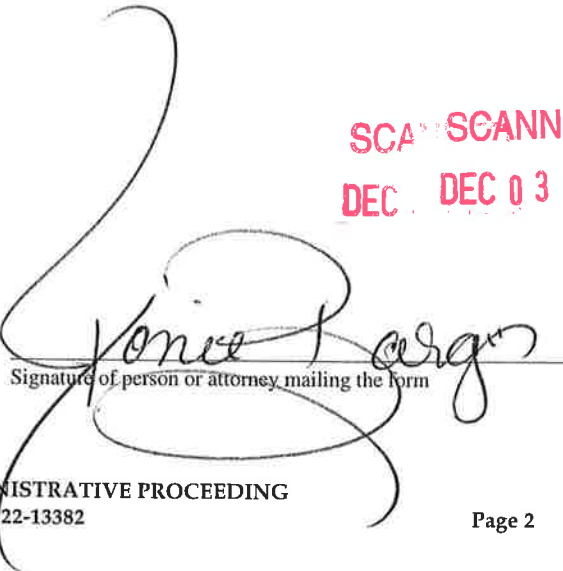
5. One copy each to:

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

SCA SCANNED
DEC DEC 03 2008


Signature of person or attorney mailing the form

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
25.50 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

0.070 CFS
25.50 AFY

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S08

NESW

2.20

T06N R45E S08

NWSW

8.80

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 - License

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

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: 22-13812

Case No. 39576)

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative proceeding for the above
mentioned water right(s):

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 74834 and 74835

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

IDWR projects the Administrative Proceeding shall be completed no later than: **November
25, 2009**

DATED: 11/25/08

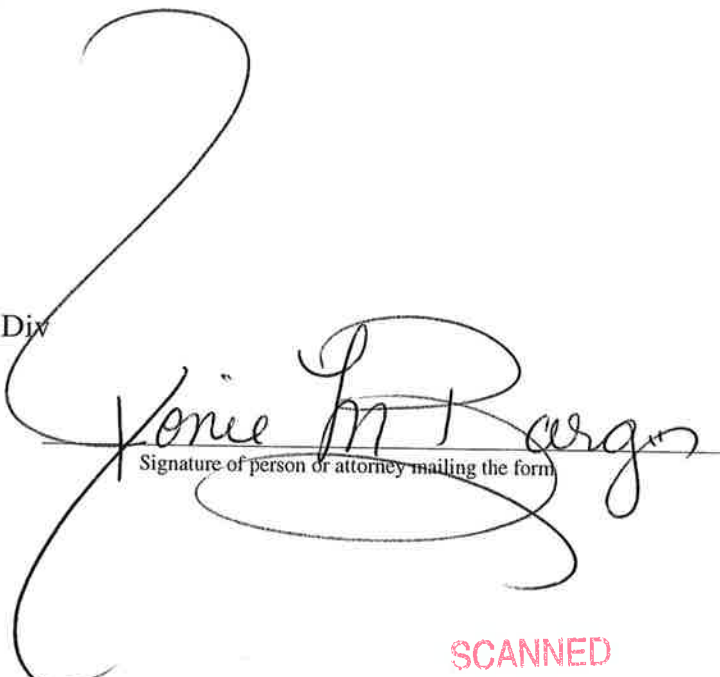
Ernest Carlson
Signature of IDWR Representative

SCANNED
DEC 08 2008

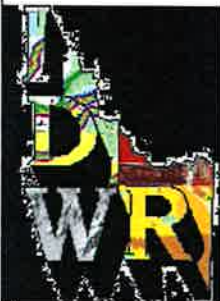
CERTIFICATE OF MAILING

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:
Teton Ventures LLC
153 N 4663 E
Rigby ID 83442
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
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

SCANNED
DEC 08 2008



Idaho Department of Water Resources

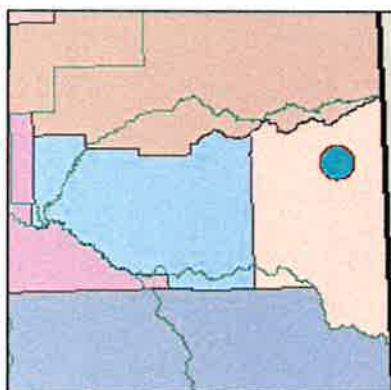
SRBA Recommendation:

22-13382

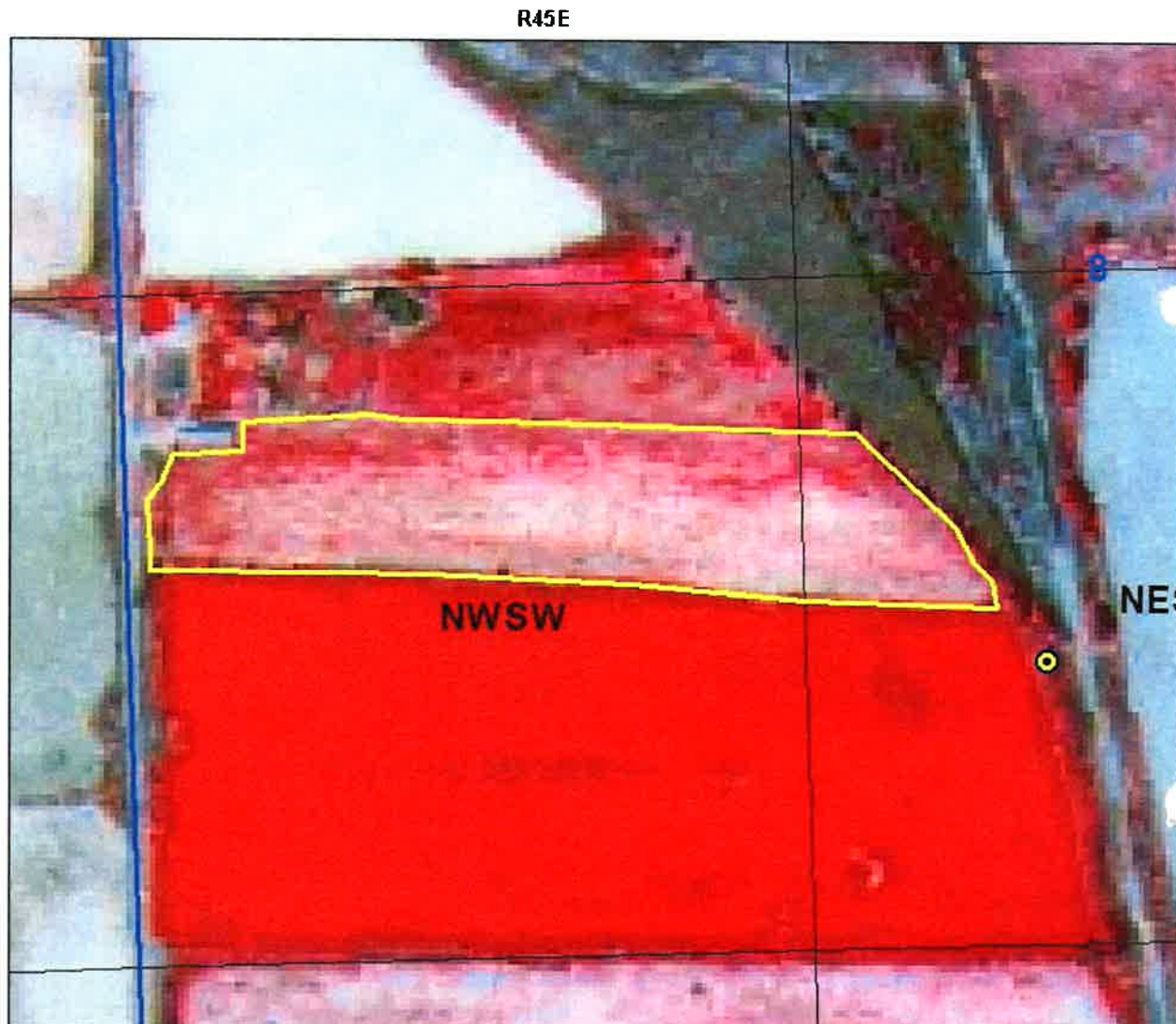
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.1 0.2 Miles



Owner: Kolene Later

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

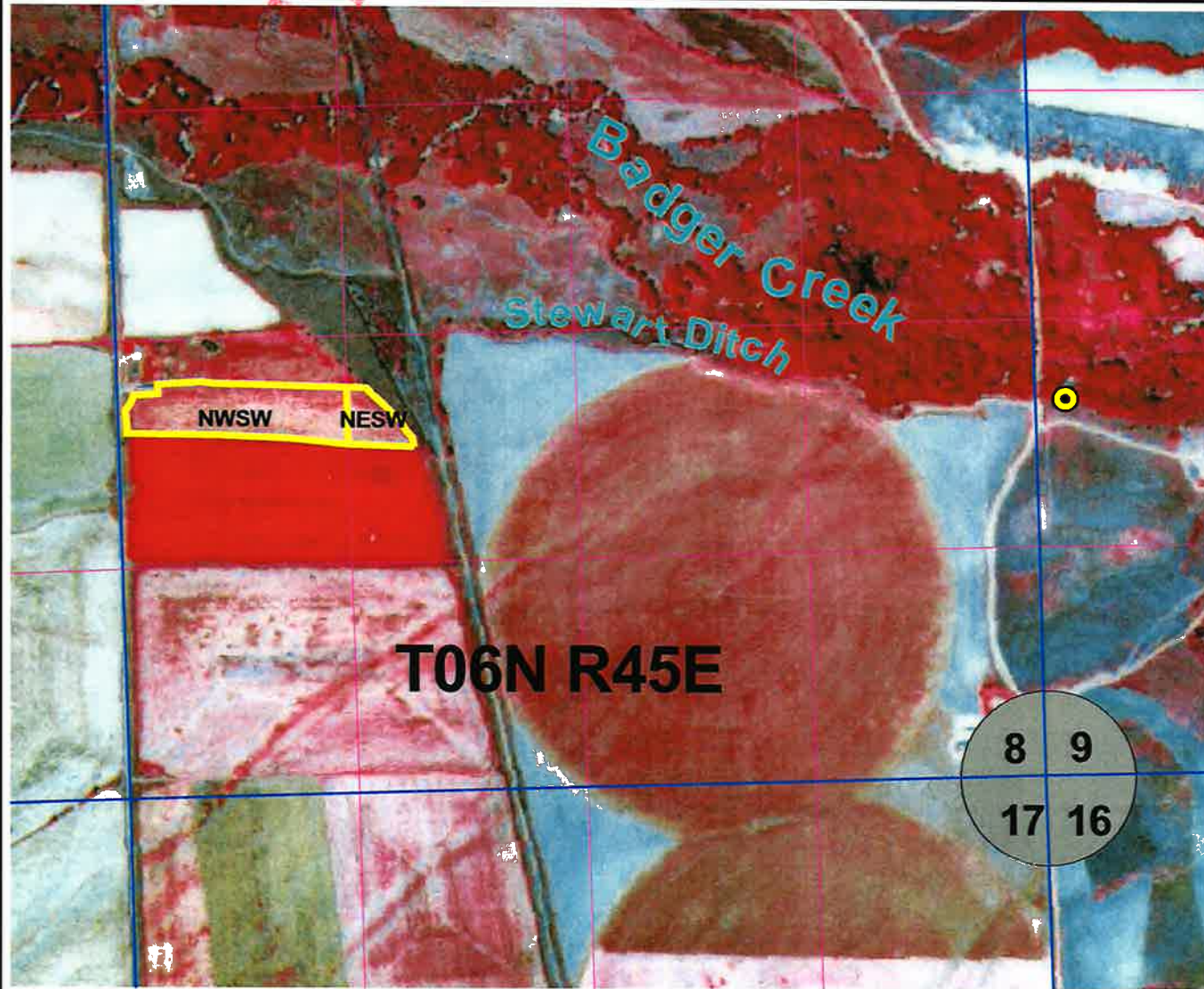
Prepared by C. Moore
On Tuesday, November 28, 2006
1987/88 Aerial Photography



SCANNED
JUN 7 2005
PROT

State of Idaho

Department of Water Resources
Eastern Region



700 0 700 1400 2100 2800 3500 4200 4900 Feet

Water Right(s):

22-13376
22-13379
22-13382

Point(s) of Diversion:

T06N R45E
Sec. 9 NWNWSW

Place of Use (parts of):

T06N R45E
Sec. 8 NWSE, NESW

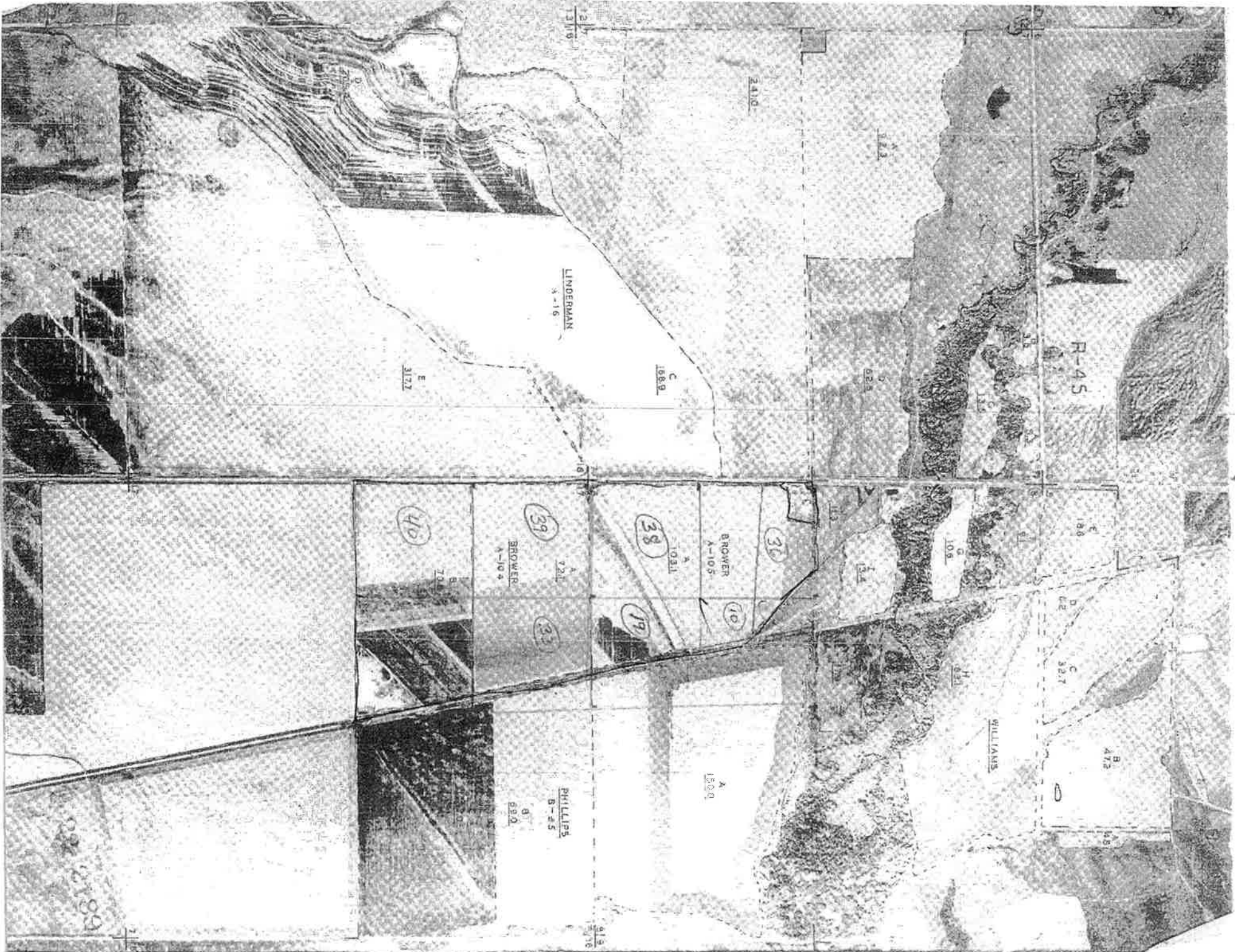
Delivered through the Stewart Ditch.

LEGEND

- Point of Diversion
- Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: April 2005



Water Right and SRBA Split History Analysis

Brower, et al
22-13380

0.91 cfs on 146° ac
(GIS shows 121° ac)

REMAINDER OF ORIGINAL PL
(TO BE FURTHER SPLIT - ?)

M. Brower & Sons
22-13381

~~0.93~~ cfs on 89° ac
0.55 cfs

B & R Brower & K. Latore
22-13382

0.07 cfs on 11° ac 24° ac

E. BROWER
22-2189

1.53 cfs on 246° ac
10/31/1960 G.W.

Reviewer: _____
mydoc/feldexamforms/splthistory

Date: _____

SCANNED

JUN 17 2005

PROCESSED

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

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: _____

C/O's RESID-

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

LICENSED 29 OCT 1971 AS 1.53 cts ON 24/6 AC, 10/31/1960

12/08/04 - Some HISTORY to THIS WATER RIGHT CLAIM. APPARENTLY, MERRILL, ZOLA AND EDWARD ARE NOW DECEASED. SOME QUESTION AS TO WHETHER W. ROID & MARJORAN OWN PART OF THIS RIGHT. DISCUSSION w/ DENNIS BROWER, SON OF MERRILL & ZOLA, NOW THE PRESIDENT OF THE FAMILY CORPORATION - HE WILL COMPLETE THE CH (SENT TODAY) AND RETURN w/ CORP DOCS & DEATH CERTS. DISCUSSION w/ BEULAH BROWER, WIFE OF EDWARD, WHO WILL ALSO COMPLETE CH (MAILED TODAY) AND RETURN w/ DOCS OF ESTATE AND DEATH CERTS.

BEULAH STATES THAT W. ROID AND MARJORAN DO NOT OWN ANY PORTION OF THIS WELL - THAT THIS OWN ONLY SURFACE RTS.

THIS CLAIM NEEDS SPLIT WAITING ON DOCS & INSTRUCTIONS.

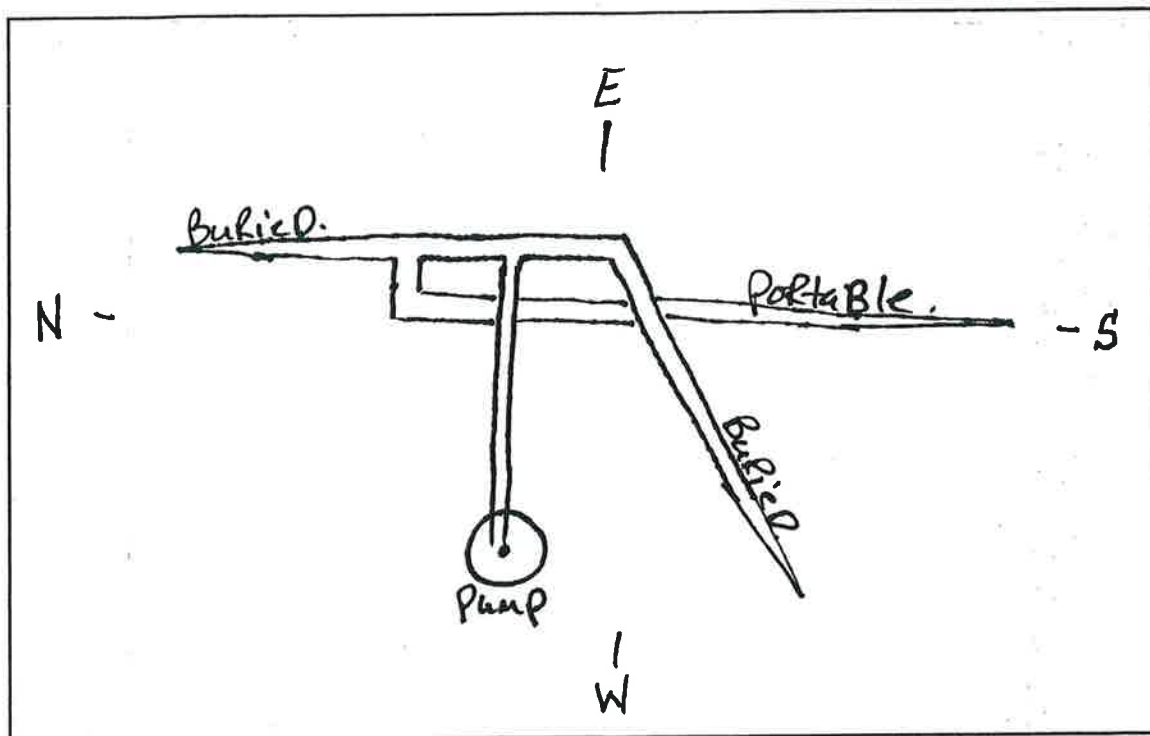
Reviewer: _____ Date: _____

PROVIDED

SCANNED

JUN 17 2005

Water Right No(s). _____



GPS DATA:

Tag # A0014376 Location: power Box

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: NEWMAN Model: _____ Hp: 75

NO. SN: X030608

PUMP

Make: Bowler Model: 12 FHYM Disch: _____

SN: 27512

NOTES:

Field Exam Date: 11-8-04 Agent: Clay Kummerow

SCANNED

PROFILE

JUN 17 2005

Tag on Power Box.



GPS Tag # A0014376

11-8-04 CF

PROTECTED

SCANNED

JUN 17 2005



PROFILED

SCANNED
JUN 17 2005

T6N, R44E
T6N, R45E

Badger
Creek

65
78

32

8.705
2.072

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

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

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		22-13380, 13381, 13382		
See Docs in	22-174B		22-13374, 13375, 13376		
	22-254A		22-13379, 13370, 13377		

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**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
DEED + Conts: MERRILL & ZARDA; CORPORATION DOCS.
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)

MERRILL BROWER & SONS INC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO BOX 147

City, State and ZIP Code

TETONIA ID 83452

New Telephone Number

() _____

5. Date you acquired the property

*Revised IDWR
1/6/05*

PROFILED

SCANNED

JUN 17 2005

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 22-13382
Date Received: 5/11/2005
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: 10/31/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	8	SW NE SW	TETON	

5. Description of diverting works:

WELL, 300' DEEP, 60 HP PUMP, 10" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.07	24.6

7. Total Quantity Appropriated is:

0.07 C.F.S. and/or 24.6 A.F.A.

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

SCANNED

Total Acres 11

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:

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

RECEIPT M001456

15. Basis of Claim: License