

03/11/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-12184
NAME AND ADDRESS: RUTH KREMER
163 N LLOYD CIRCLE
IDAHO FALLS ID 83402

W B KREMER
163 N LLOYD CIRCLE
IDAHO FALLS ID 83402-4515

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.090 CFS
7.600 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION:

T03N R39E S12 SENENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.050 CFS
		7.60 AFY
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

Stockwater use is for 50 range cattle.

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T03N R39E S12 NENE

IRRIGATION Within BONNEVILLE County

T03N R39E S12 NENE 1.9

STOCKWATER Within BONNEVILLE County

T03N R39E S12 NENE

1.9 ACRES TOTAL

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.

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

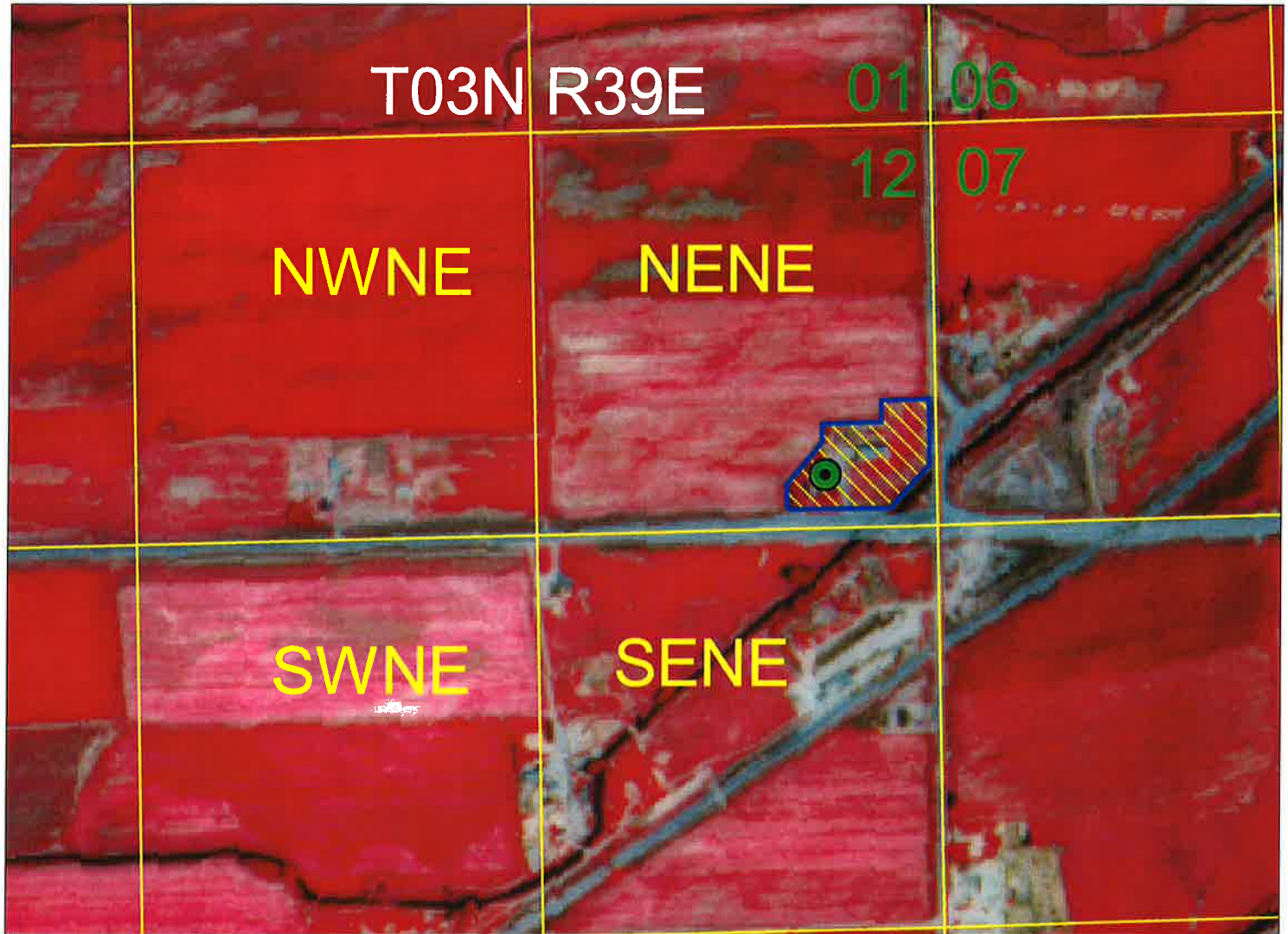
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OCT 29 2004



Department of Water Resources

Claim No.: 25-12184



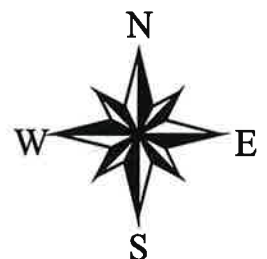
0 1320 2640 Feet

- Point of diversion
- Place of use
- QQ
- Sections

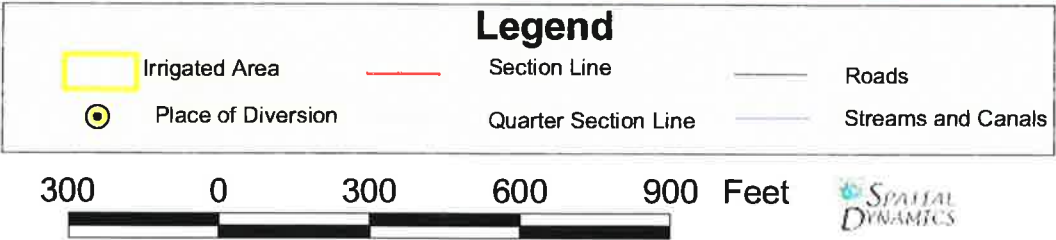
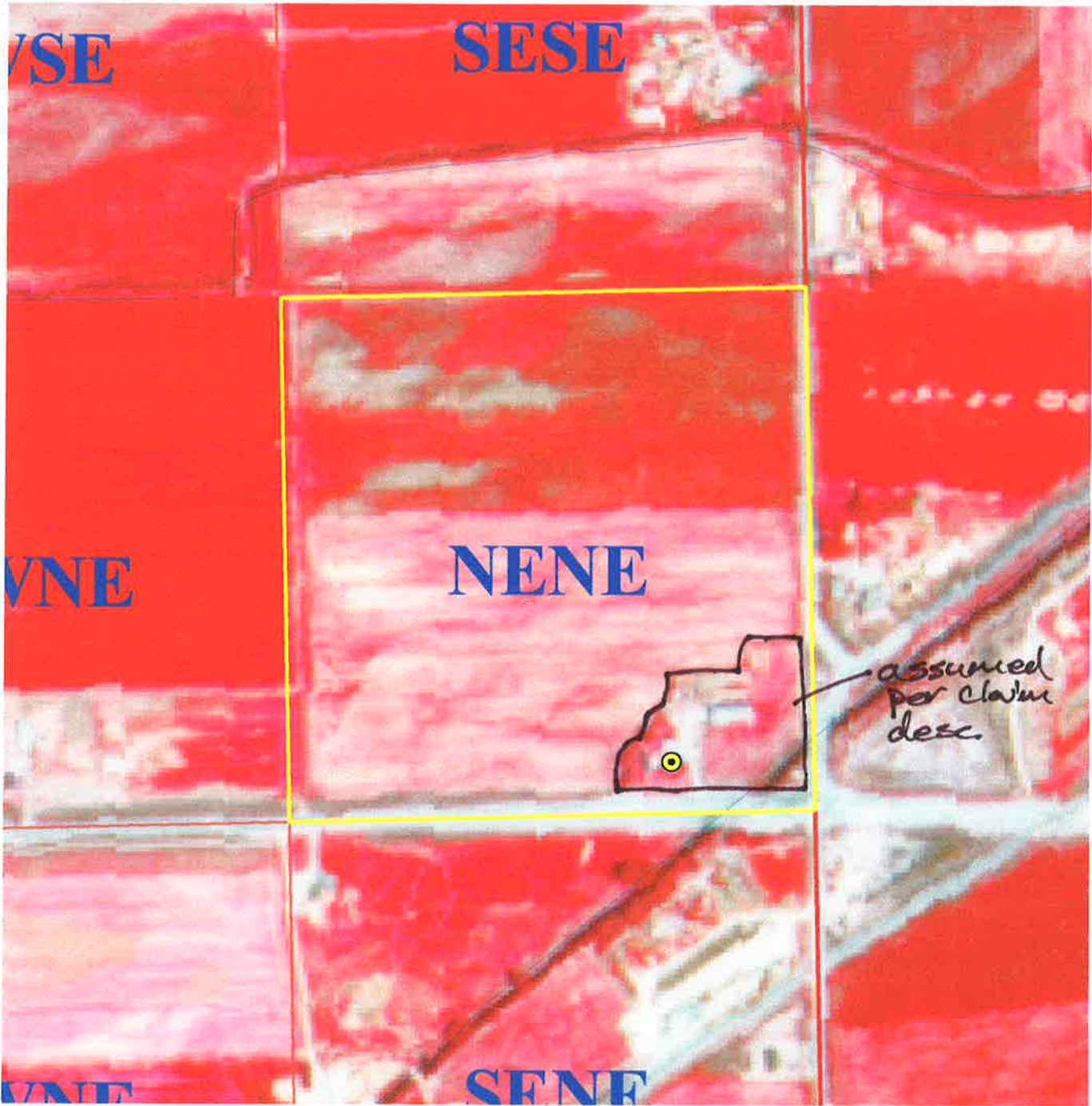
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GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: December 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication

Dear Claimant:

The Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Blackfoot River, Willow Creek and South Fork of the Snake River Drainages. This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that personnel from Intrepid will make an effort to contact claimants to arrange for conducting a field investigation and obtain information about your water use. IDWR requests that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights. Information collected during this process will be reported to IDWR and used by a Senior Water Resource Agent to prepare a recommendation on the water right.

The process of adjudicating water rights is straightforward for most people, resulting in the issuance of decreed water rights. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

If you have sold your property, we request that you forward this letter to the purchaser. The new owner is responsible for advising IDWR of the change in ownership so future correspondence will be mailed to the correct party. If you are unable to forward this letter, please send any information regarding a new owner to our Eastern Regional Office located at 900 N Skyline Dr, Idaho Falls, ID, 83402, Attention: Jennifer Crabtree (208) 525-7161.

Sincerely,

Ernest Carlsen
Adjudication Section Supervisor
Eastern Regional Office

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JUL 05 2002
Department of Water Resources
Eastern Region

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BRIAN & KATH KEMER
163 N LLOYD CIR
1 DAYTON OH 45402

KATH KEMER
25-12184
PM 538 9809
525-6054 HM

KEMER
Bryan Kemer 745 5680 (BUS)

DELOG MH 3/9/04

RECEIVED

MAR 10 2004

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

Department of Water Resources
Eastern Region

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, 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
	25-12184				

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):
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) are 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)

Nellie Brown

4. New Owner/Claimant(s)

WB or Ruth Kremer

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

163 N Lloyd Circle

City, State and ZIP Code

Idaho Falls, Idaho

New Telephone Number

(208) 525-6054

5. Date you acquired the property

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ARCEL: RP 03N39E120432 A F1=SL

F10=
F17=DD F19=J2 F12=RC
F23=AG

KREMER, W B &
KREMER, RUTH

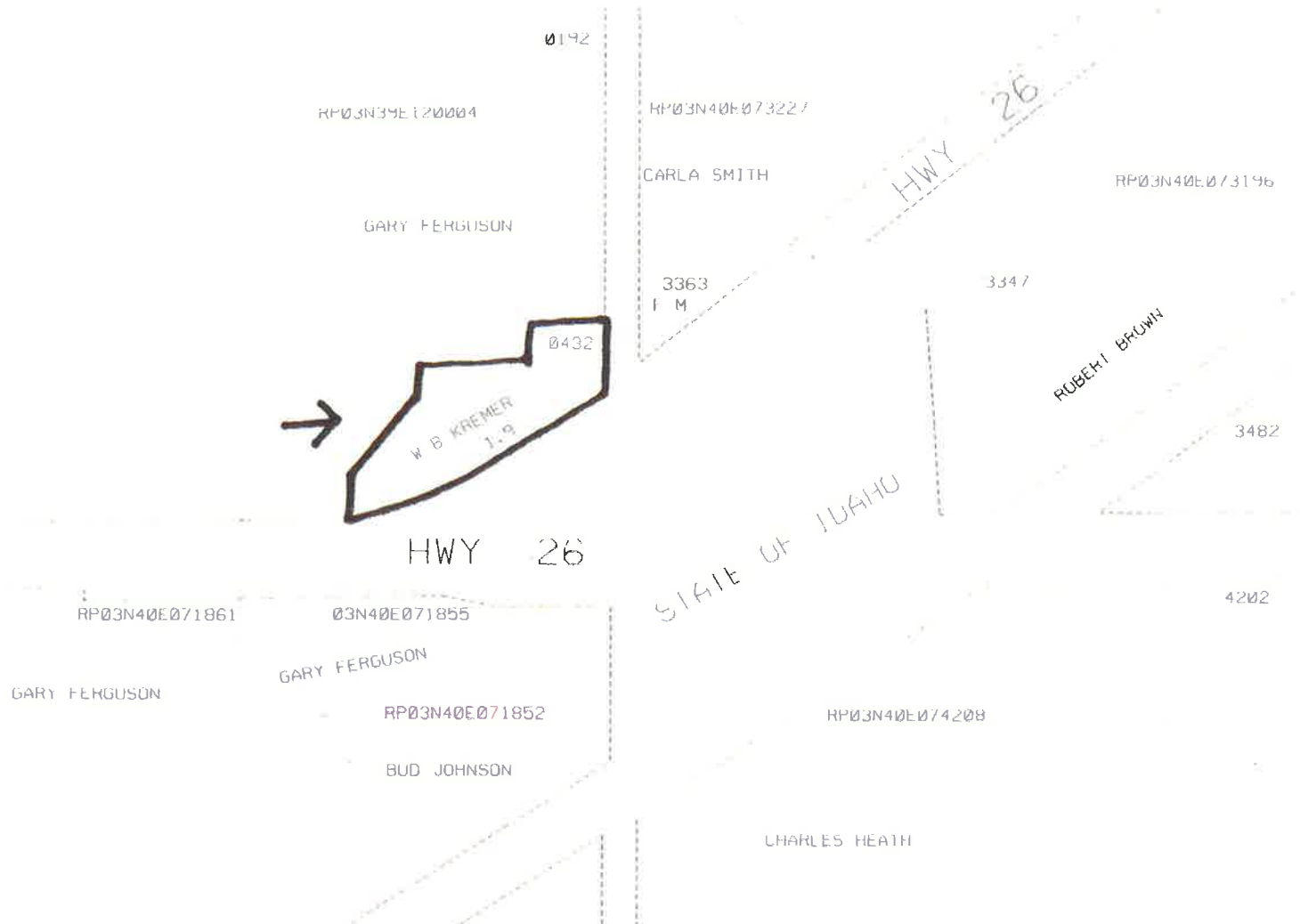
LEGAL DESCRIPTION
1.9 A SE COR NE1/4 NE1/4,
SEC 12, T 3N, R 39

163 N LLOYD CIR

ProVal Area Number 1
CODE AREA 50-0000 OWNER CD
PARC TYPE LOC CODE
EFFDATE 12061988 EXPDATE
PREV PARCEL

IDAHO FALLS ID 83402
11423 E RIRIE HWY

83443



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RECORDATION REQUESTED BY:
ZIONS FIRST NATIONAL BANK
RIGBY
219 EAST MAIN, P.O. BOX 54
RIGBY, ID 83442

WHEN RECORDED MAIL TO:
ZIONS FIRST NATIONAL BANK
P.O. BOX 30160
WEST VALLEY CITY, UT 84130-0160

Recorded 12-14-01 @ 2:42
#1065259

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DEED OF TRUST

THIS DEED OF TRUST is dated December 11, 2001, among W B KREMER and RUTH KREMER, HUSBAND AND WIFE ("Grantor"); ZIONS FIRST NATIONAL BANK, whose address is RIGBY, 219 EAST MAIN, P.O. BOX 54, RIGBY, ID 83442 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and ~~First American~~ ^{BONNEVILLE LAND & TITLE, WHOSE ADDRESS IS P.O. BOX 51690, IDAHO FALLS, ID 83405} ~~First American~~ ^{First American} ~~Insurance Company, whose address is P.O. BOX 580, 156 WEST JUDICIAL STREET, Blackfoot, ID 83221~~ (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor does hereby irrevocably grant, bargain, sell and convey in trust, with power of sale, to Trustee for the benefit of Lender as Beneficiary, all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in BONNEVILLE County, State of Idaho:

See EXHIBIT A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 11423 E RIRIE HWY, RIRIE, ID 83443. The Real Property tax identification number is RP 03N39E120432 A

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. THE REAL PROPERTY EITHER IS NOT MORE THAN FORTY (40) ACRES IN AREA OR IS LOCATED WITHIN AN INCORPORATED CITY OR VILLAGE.

Duty to Maintain. Grantor shall maintain the Property in good condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify and hold harmless Lender

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EXHIBIT "A"

Beginning at a point 917 feet South of the Northeast corner of Section 12, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho, and running thence West 161.2 feet; thence South 66.3 feet; thence West 195.0 feet; thence South 62.0 feet; thence South 41 degrees West 181.0 feet; thence South 81.0 feet to a point on the Northerly right of way line of the Idaho Highway No. 29 opposite the Idaho Station 710+70; thence following said Northerly right of way line on a 6 degree curve left to 33.0 feet Northerly of P.T. Station No. 719+145; thence North 51 degrees 49' East 115.0 feet to a point on the East Boundary line of said Section 12; thence North 103.0 feet to the point of beginning.

According to the County Assessor's office, the above described property is commonly known as:

PROPERTY ADDRESS: 11423 E HWY, RIRIE, ID 83443

PARCEL NO. RP 03N39E120432 A

LOAN NO. 001004710004017802



W B Kremer, Individually



Ruth Kremer, Individually

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 26, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRIAN & RUTH KREMER
163 NORTH LLOYD CIRCLE
IDAHO FALLS ID 83402

RE: CHANGE IN OWNERSHIP FOR 25-12184

Dear Mr. & Mrs. Kremer:

It has come to our attention that you may have recently purchased a tract of land in Bonneville County. The property to which I am referring was most recently owned by Nellie Brown. The legal description is as follows:

T03N, R39E, S12, NE1/4 NE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Kristen Forsgren
Office Specialist 1

Enclosure(s)

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27



RIGHT ID 25 12184

POD ID 147752

Folder No. A2512184

Claim Status In Use

IDTMEAST 677139

IDTMNORTH 281048

GPSID A0009364

Diversion Description

WELL/PUMP.

Assumptions

Horse power, pressure head, and elevation head.

Invoice

2000-055-23-27-0

Phase-0 (No Attention)

Phase-I (Ready to Go to Field)

Phase-II (Site Visit - Data Missing)

Phase-III (Complete w/issues)

Linked

photos\25-12184-001.JPG

photos\25-12184-003.JPG

Photos

photos\25-12184-002.JPG

GPS Accuracy (ft)

19 Feet

Date (M/D/Y)

07-24-02

Time

12:22

Flow Rate (CFS)

0.08

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

☐ Less than half full

☐ Half full

☐ More than half full

☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☒

HP 1.5

Pressure Head (psi) 30

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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SCANNED

FOLDER NO.

A2512184

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OCT 29 2004

To Ernest Carlson
Evidence of Priority "

A 25-12184

ANDREW
Well Drilling Services
1268 East 17th Street
Idaho Falls, Idaho 83404
208-522-2794

May 17, 1991

%Nellie Brown
Box 63
Irwin, Idaho 83428

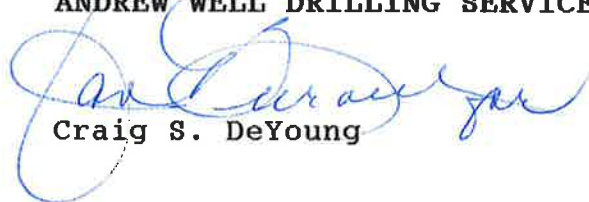
To Whom it May Concern:

This is to certify that a well was drilled by J.G. Andrew & Sons on Jan 27, 1949 for Karl Brown in Rire, Idaho.

If additional information is required, please feel free to contact us.

Sincerely,

ANDREW WELL DRILLING SERVICES


Craig S. DeYoung

CSD/jb

Nellie Brown
A 25-12184

Note address change -
Nellie Brown
Box 63
Irwin Idaho
83428

RECEIVED

MAY 21 1991

Department of Water Resources
Eastern District Office

MICROFILMED

NOV 11 1992

May 1, 1991

Nellie Brown
Box 458
Ririe, ID 83443

RE: Evidence of Priority

Dear Nellie Brown:

The Notice of Claim identified with the numbes shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

MICROFILMED

NOV 11 1992

Nellie Brown

Page 2

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12184
NELLIE BROWN
BOX 458

RIRIE

ID 83443

MICROFILMED

NOV 11 1992

AUG 03 2001

452

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: A25-12184
Date Received: 2/09/1989
Receipt No: E005726
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NELLIE BROWN
Address: BOX 458
RIRIE, ID

208-538-7759

83443

2. Date of Priority: JUN 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	39E	12		NE	NE		BONNEVILLE

5. Description of diverting works:
WELL/PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 4.7 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/50 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	12		NE	NE	DOMEST	

A25-12184

Page 1

Date: 02/09/89

A2512184



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NOV 11 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	12	NE	NE		STOCK	
			NE	NE		IRR	1.9
					Section Acres		1.9
					Total Acres		1.9

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Nellie A. Brown Date: 2-9-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of February 19 89

Anthony S. O'Connell
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994