

**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

Case No. 39576

) Subcase No. 65-8627
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

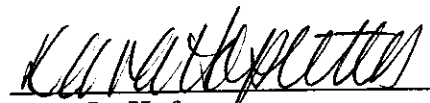
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

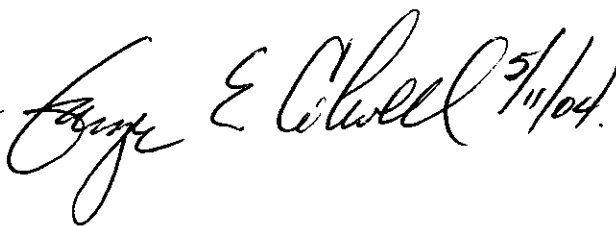
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

George & Cheryl Colwell


Dana L. Hofstetter
Attorney for claimants/objectors

5/14/04
Date


George & Cheryl Colwell 5/11/04

STANDARD FORM 5 – 65-8627

IDWR Concurrence:

Jan Shurte 5-11-04
Jan Shurte Date
IDWR Adjudication Supervisor

Chris Bromley 5/11/04
Chris Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on May 11, 2004, 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:

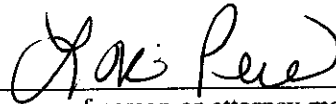
1. Original to:

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:

Dana L. Hofstetter
608 West Franklin Street
Boise, ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

~~Director's Report~~
Right No. 65-8627

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

RIGHT NUMBER: 65-8627

NAME AND ADDRESS: CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: ~~2.720~~ ^{5.9} CFS

~~THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN
MEASURED AT THE FIELD HEADGATE.~~

PRIORITY DATE: 10/24/1882

POINT OF DIVERSION:

T08N R04W S35 SWSWSE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	~~3/15~~ 11/15	~~2.720~~ CFS
	3/1	5.9

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S22 Lot 6 SWSW	29.0	T08N R04W S22 Lot 7 SESW	12.0
T08N R04W S27	NENW 30.0	T08N R04W S27	NWNW 29.0
T08N R04W S27	SWNW 0.5	T08N R04W S27	SENW 4.5

105 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 65-87461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 259.5 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: Beneficial Use

[Handwritten signature]
65-8627
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