

COPY

2004 MAY 13 PM 1:51

FILED
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT

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. 65-3617
)
)
)
)
)
)

Case No. 39576

) STANDARD FORM 5
)
)
)
)
)
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

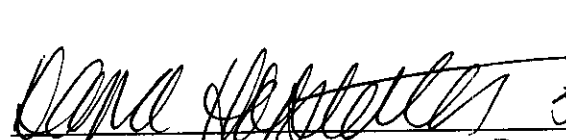
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

George & Cheryl Colwell

 5/11/04  5/11/04
Dana L. Hofstetter Date
Attorney for claimants/objectors

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

IDWR Concurrency:

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

Chris Bromley
Deputy Attorney General

Date 5/11/04

~~Director's Report~~
Right No. 65-3617

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

2001 MAY 13 PM 1:51

IDAHO DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO
FILED

RIGHT NUMBER: 65-3617
NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: ~~10.630~~ 26.44 CFS

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

PRIORITY DATE: 04/01/1890
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	~~10.630~~ CFS
	3/11	26.44

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S20 Lot 1 NENE	10.0	T08N R04W S20 Lot 2 NWNE	34.0
T08N R04W S20 Lot 2 SWNE	38.0	T08N R04W S20 Lot 1 SENE	38.0
T08N R04W S20 NENW	12.0	T08N R04W S20 Lot 3 SENW	9.7
T08N R04W S20 NESE	40.0	T08N R04W S20 NWSE	14.0
T08N R04W S20 SWSE	11.0	T08N R04W S20 SESE	19.0
T08N R04W S21 Lot 5 SWNW	31.0	T08N R04W S21 Lot 6 NESW	40.0
T08N R04W S21 NWSW	40.0	T08N R04W S21 SWSW	11.0
T08N R04W S21 SESW	15.0	T08N R04W S21 Lot 7 NWSE	28.0
T08N R04W S21 SWSE	6.3	T08N R04W S21 Lot 8 SESE	14.0

411 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 558.0 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

~~Director's Report~~
Right No. 65-3617

Handwritten signature and initials, including "CB".