

COPY

2007 MAY 13 PM 1:51

TWIN FALLS CO., IDAHO
FILED

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. 65-7461

Case No. 39576

)
)
) *Stipulation*
) ~~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 Hofstetter *5/11/04* *George & Cheryl Colwell 5/11/04*
Dana L. Hofstetter Date
Attorney for claimants/objectors

STANDARD FORM 5- 65-7461

Stipulation

IDWR Concurrence:

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

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

Stipulation

STANDARD FORM 5 - 65-7461

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

Stipulation

STANDARD FORM 5- 65-7461

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: 65-7461
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: 5.9
925.000 AFY ← subject to further settlement discussion

~~THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-11211 SHALL PROVIDE NO MORE THAN 03 CES PER ACRE.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.17 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 925 AF~~

→ subject to further settlement discussion

PRIORITY DATE: ~~04/18/1975~~ 9/8/1975

POINT OF DIVERSION: T08N R04W S35 SWSE Within PAYETTE County

- evaluate point of injection & redirection

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
~~3/15~~ 11/15
3/1

QUANTITY 5.9
~~6.17~~ CFS
925.00 AFY

← subject to further settlement discussion

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S17	SWSW	5.0	T08N R04W S17 Lot 1	SWSE	6.0
T08N R04W S19 Lot 1	NENE	3.0	T08N R04W S20 Lot 7	NENE	8.0
T08N R04W S20 Lot 7	NWNE	3.0	T08N R04W S20 Lot 1	SENE	2.0
T08N R04W S20	NENW	4.0 4.0	T08N R04W S20 Lot 6	NWNW	36.0
T08N R04W S20 Lot 6	SNNW	14.0	T08N R04W S21 Lot 2	SWNE	1.0
T08N R04W S21 Lot 4	NWNW	6.0	T08N R04W S21 Lot 5	SENW	12.0
T08N R04W S21 Lot 1	NESE	1.0	T08N R04W S21	SWSE	17.0
T08N R04W S21 Lot 8	SESE	17.0	T08N R04W S27	SENW	2.0 9.0

T08N R4W S27 NENW 1.0

T08N R4W 20 SENW

7.0

~~152~~ ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 65-02617 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 558.0 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 65-08627 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259.5 ACRES IN A SINGLE IRRIGATION SEASON.~~

USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~166.0~~ ACRES IN A SINGLE IRRIGATION SEASON.

152.0

USE OF THIS RIGHT WITH RIGHT NO. 65-11261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~160.0~~ ACRES IN A SINGLE IRRIGATION SEASON.

152.0

[Handwritten signature]

~~Director's Report~~
Right No. 65-7461

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: License

BY
Geo. J.
CB

~~Director's Report~~
Right No. 65-7461