

George E. and Cheryl F. Colwell

Dana L. Hofstetter (ISB #3867)
HOFSTETTER LAW OFFICE, L.L.C.
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

RECEIVED
JUN 12 2002
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

)
)
) Subcase No. 65-07462
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MOTION TO FILE LATE OBJECTION

MOTION

George E. and Cheryl F. Colwell, by and through their counsel of record and pursuant to Rule 10(j) of SRBA Administrative Order 1, hereby respectfully move the Court for leave to file a late Objection to water right number 65-07462 with respect to two omitted stockwater places of use and an incorrectly listed address for one of the Claimants. This Motion is supported by the Memorandum below and the contemporaneously submitted Affidavit of Dana L. Hofstetter in Support of Motion to File Late Objection and proposed Objection.

MEMORANDUM

The Idaho Department of Water Resources ("IDWR") issued the License for water right no. 65-07462 on July 19, 2000. *Affidavit of Dana L. Hofstetter* ("*Affidavit*"), Exhibit A. License No. 65-07462 identified numerous places of use for the stockwater and domestic purposes included in the License. The Director's Report for this water right, however, inadvertently omitted two of the stockwater places of use included on the recently issued License. *Affidavit*. Since these two omitted places of use were in the same locations as the domestic wells and places of use which were listed in the Director's Report, the omission of these same two places of use as stockwater places of use was overlooked until recently. *Affidavit*.

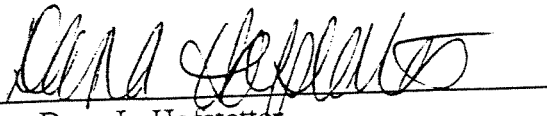
In October 2001, the Claimants requested that IDWR make an address change for this water right, as well as others. *Affidavit*, Exhibit B. However, it appears that the SRBA computer records for this water right continue to list an out of date address for Claimant Cheryl F. Colwell. *Affidavit*. To ensure receipt of future information concerning their water rights, the Claimants would like the SRBA partial decree to reflect the correct address for Cheryl Colwell.

CONCLUSION

For the reasons stated above, good cause exists to correct these errors concerning the omission of stockwater places of use and the description of the Claimants' address. This Motion to File Late Objection should be granted so that these corrections can be made.

DATED this 10th day of June, 2002.

HOFSTETTER LAW OFFICE, L.L.C.

By 
Dana L. Hofstetter

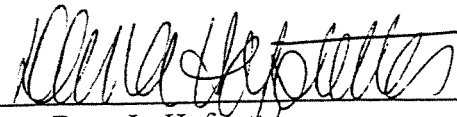
CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2002, I caused to be served copies of the foregoing **Motion to File Late Objection** by the methods indicated below:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

E:\4001\1\ac\5270

RECEIVED
JUN 12 2007
Department of Water Resources

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)
_____)
A. Subcase 65-07462
(Insert water right number)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George E. Colwell Cheryl F. Colwell
Address: P.O. Box 251 3990 Highway 52
Powder River, Oregon 97867-0251 Payette, Idaho 83661
Daytime Phone: (208) 278-3448

Name & Address of Attorney, if any:

Dana L. Hofstetter
Hofstetter Law Office, L.L.C.
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: George E. Colwell Cheryl F. Colwell
Address: P. O. Box 251 10800 Smoke Ranch Road
North Powder, Oregon 97867-0251 Boise, Idaho 83709

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: As indicated in item B on Page 1 of this Objection.
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Same as recently issued license.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Address indicated for Claimant Cheryl
Colwell does not accurately reflect requested address change submitted to IDWR in October 2001.
Stockwater place of use incorrectly omits certain locations on the recently issued license.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 10, 2002

James A. Purdy
Notary Public for the State of Idaho

Residing at: Boise, Id

My Commission Expires: 2-13-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on June 10, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID

2. One copy to the claimant of the water right at the following address:

Name: Not Applicable.
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

George E. and Cheryl F. Colwell

Dana L. Hofstetter (ISB #3867)
HOFSTETTER LAW OFFICE, L.L.C.
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

RECEIVED
JUN 12 2022
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

Subcase No. 65-07462

**Affidavit of Dana L. Hofstetter in
Support of Motion to File Late
Objection**

STATE OF IDAHO

COUNTY OF ADA

) ss:

Dana L. Hofstetter, being first duly sworn deposes and states:

(1) I am the attorney of record for the Claimants, George E. and Cheryl F. Colwell, in this subcase.

(2) A true and correct copy of Water Right License No. 65-07462 which I requested and obtained from the Idaho Department of Water Resources ("IDWR") is attached hereto as Exhibit A.

(3) The SRBA Director's Report for Water Right No. 65-07462 omitted two of the stockwater places of use listed in License No. 65-07462. Because these same two places of use were listed as domestic places of use in the Director's Report and since domestic uses, in some instances, may include stockwater uses, the omission of these two locations on the stockwater place of use list were initially overlooked. However, in recent discussions with Ron Howerton of IDWR, I have confirmed that these two locations also should have been included on the stockwater place of use list and that their omission from the Director's Report was due to an IDWR oversight.

(4) True and correct copies of an October 30, 2001 Notice of Completed Administrative Proceeding for Water Right Nos. 65-07462 *et al.* and associated correspondence from the Claimants, George E. and Cheryl F. Colwell, requesting an address change are attached hereto as Exhibit B. I obtained both documents in Exhibit B from IDWR.

(5) As indicated in Exhibit B, the Colwells requested that documents for Water Right No. 65-07462, as well as for their other listed water rights, include separate addresses for George and Cheryl Colwell, with Cheryl Colwell's address to be indicated as: 3990 Highway 52, Payette, Idaho 83661. Despite this request and the resulting issuance of the associated Notice of Completed Administrative Proceeding, it appears that SRBA records for Water Right No. 65-07462 continue to have an incorrect address for Cheryl Colwell. To ensure that the Colwells receive timely notice of future matters concerning this water right, both addresses identified by them should be included on the SRBA water right documents.

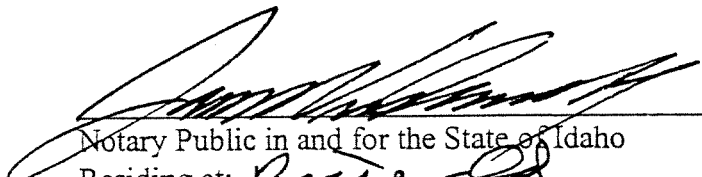
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 10th day of June, 2002.



DANA L. HOFSTETTER

SUBSCRIBED AND SWORN to before me this 10th day of June, 2002.



Notary Public in and for the State of Idaho
Residing at: Bowen, Id
My Commission Expires: 2-13-2003

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2002, I caused to be served copies of the foregoing **AFFIDAVIT OF DANA L. HOFSTETTER IN SUPPORT OF MOTION TO FILE LATE OBJECTION** by the method indicated upon the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

E:\4001\1\5271

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07462

Priority: March 25, 1974

Maximum Diversion Rate:

0.27 CFS

Maximum Diversion Volume:

37.1 AF

This is to certify, that CHARLES S HIGBY

STAR RT

PAYETTE ID 83661

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 24, 1974; and has submitted Proof of Beneficial Use on April 2, 1979. An examination indicates that the works have a diversion capacity of 0.270 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.27 CFS	33.5 AF
DOMESTIC	01/01 to 12/31	0.11 CFS	3.6 AF
	Totals	0.27 CFS	37.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 17, Township 08N, Range 04W
NWSE, Sec. 17, Township 08N, Range 04W
Lot 1 (SWSE), Sec. 17, Township 08N, Range 04W
Lot 2 (SWNE), Sec. 20, Township 08N, Range 04W
Lot 5 (SWNW), Sec. 21, Township 08N, Range 04W
PAYETTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 04W	17	NESE	NWSE	Lot 1 (SWSE)
		SESE		
	20	Lot 2 (SWNE)		
	21	Lot 5 (SWNW)		

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 04W	17	NWSE		
	21	Lot 5 (SWNW)		

CONDITIONS OF APPROVAL AND REMARKS

1. Three points of diversion are located within NESE, S17, T8N, R4W.
2. Domestic use is for 3 homes,

EXHIBIT

A

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07462

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 19th day of July, 2000.


Acting for KARL J. DREHER, Director

Ron

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NOV 02 2001

WATER RESOURCES
WESTERN REGION

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

Water Rights: 65-3617, 65-3618,
65-7461, 65-7462, 65-8627,
65-11211 and 65-11261

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

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 Report(s)* for said water right(s). 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: 10-30-01

Signature of IDWR Representative

EXHIBIT

B

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

PAGE 1

CERTIFICATE OF MAILING

I certify that on October 31, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

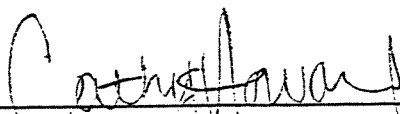
3. Copies to all parties to the subcase:

George E. Colwell
P.O. Box 251
North Powder, OR 97867-0251

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Cheryl F. Colwell
3990 Hwy. 52
Payette, ID 83661

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

OCT 29 2001

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMP THOMAS
GOVERNOR

KARL J. DREIER
DIRECTOR

RECEIVED

NOV 02 2001

WATER RESOURCES
WESTERN REGION

September 27, 2001

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

Cheryl F. Colwell
3990 Hwy 52
Payette, IDAHO 83661
(208) 278-3448

CORRECT. CC: W. A.

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-3616, 65-3617, 65-3618, 65-3619, 65-7461, 65-7462,
65-8627, 65-11211, 65-11261 and 65-21373

Records modified 10/30/01

R=NCAP done.

Dear Water Right Holders:

Mail we sent you was returned to us by the Postal Service. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 12, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Ms. SHERMAN,

AS WE MOVE FROM RANCH TO RANCH WITH DIFFERENT SEASONS, THIS MAY BE THE BEST WAY TO SHOW CHANGES & ONE ADDRESS AND ME AT THE OTHER.

Sincerely,

Sally Sherman

Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed

Water Right Holder's Signature

Telephone No.

(54) 898-2863
(208) 278-3448