

**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 65-22759**

) **STANDARD FORM 5**

) **AMENDED CLAIM**

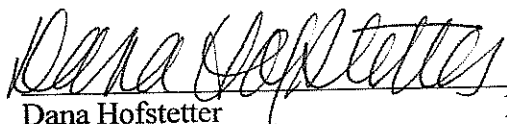
) **For Domestic & Stockwater Rights**

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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 Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

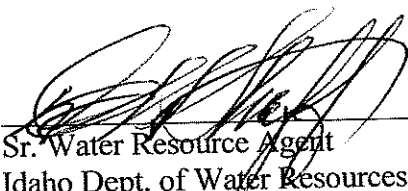
 5/3/05

Dana Hofstetter

Date

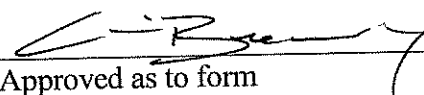
Attorney for George and Cheryl Colwell

IDWR CONCURRENCE:



Sr. Water Resource Agent
Idaho Dept. of Water Resources

4-27-05
Date



Approved as to form
Attorney for IDWR

4/27/05
Date

CERTIFICATE OF SERVICE

I certify that on May 3, 2005, I caused to be served true and correct copies of this Standard Form 5 / Amended Claim, to the following persons, in the manner indicated 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

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

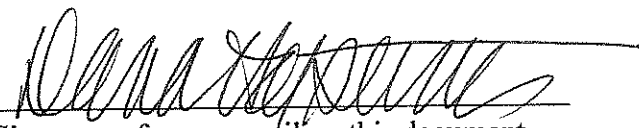
☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

Dana Hofstetter
608 West Franklin Street
Boise, ID 83702

☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered
☐ Facsimile

George and Cheryl Colwell
3990 Hiway 52
Payette, ID 83661

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile


Signature of person mailing this document

03/04/2004

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

RIGHT NUMBER: 65-22759
NAME AND ADDRESS: CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

GEORGE E COLWELL
3990 HWY 52
PAYETTE ID 83661

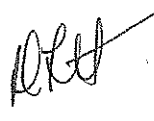
SOURCE: UNNAMED SLOUGH

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.440 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.34 CFS.

PRIORITY DATE: 06/01/1935 6/1/1932

 CB 

POINT OF
DIVERSION: T08N R04W S20 NENW Lot 3 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.440 CFS

PLACE OF USE: STOCKWATER Within PAYETTE County

T08N R04W S17 SWSW
T08N R04W S20 NENW
T08N R04W S20 SWNW

T08N R04W S19 Lot 8 NENE
T08N R04W S20 Lot 6 NWNW
T08N R04W S20 SENW

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed