

**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. 65-22763

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

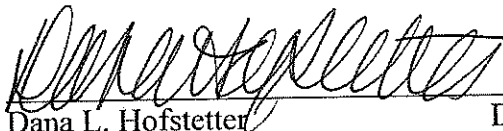
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

 5/3/05

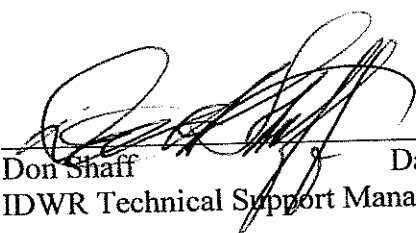
Dana L. Hofstetter

Date

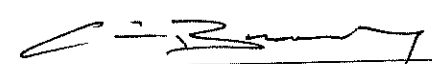
Attorney for claimants/objectors

STANDARD FORM 5 – 65-22763

IDWR Concurrence:

 4-27-05

Don Shaff Date
IDWR Technical Support Manager

 4/27/05

Chris Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on MAY 3, 2005, 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

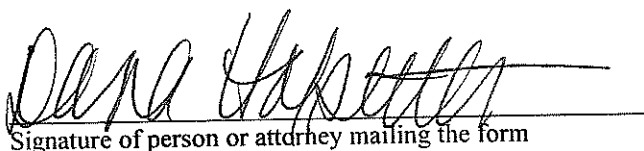
by facsimile

2. Copies to:

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

George and Cheryl Colwell
3990 Hiway 52
Payette, ID 83661

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


Signature of person or attorney mailing the form

04/26/2005

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

RIGHT NUMBER: 65-22763
NAME AND ADDRESS: GEORGE E COLWELL
3990 HWY 52
PAYETTE ID 83661

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.060 CFS
PRIORITY DATE: 04/01/1890
POINT OF DIVERSION:

T08N R04W S19 NENE End of Stream Flow Within PAYETTE County
T08N R04W S21 SWSE Begin of Stream Flow Within PAYETTE County
T08N R04W S27 NWNW End of Stream Flow Within PAYETTE County
T08N R04W S27 SENW Begin of Stream Flow Within PAYETTE County
Ending point of diversion in Section 19 is on unsurveyd accretion land.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.060 CFS

PLACE OF USE: STOCKWATER Within PAYETTE County

T08N R04W S19	NENE	T08N R04W S19	SENE
T08N R04W S20	SWNW	T08N R04W S20 Lot 14	NESW
T08N R04W S20	NWSW	T08N R04W S20	SESW
T08N R04W S20	SWSE	T08N R04W S20	SESE
T08N R04W S21	SWSW	T08N R04W S21	SESW
T08N R04W S21	SWSE	T08N R04W S27	NWNW
T08N R04W S27	SWNW	T08N R04W S27	SENW

Place of use includes unsurveyed accretion lands.

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: Beneficial Use