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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

67-73C

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Karl and Judith Cole
Address: 2451 U.S. Hwy. 95
Council, ID 83612
Daytime Phone: 208-253-0222

Name & Address of Attorney, if any:

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

Name: Karl G. Cole
Address: 2451 U.S. Hwy 95
Council, ID 83612

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: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: Additional Point of Diversion From Ft. Hall Creek
as per conversation memorandum dated 3-27-07 Attach
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **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 OBJECTIONS(S):** Historical evidence
submitted to IDWR showing point of redirection
to southern part of property from Ft Hall Creek.
No other way to irrigate southern portion.
See attached memorandum.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Adams)

Judit Cole, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

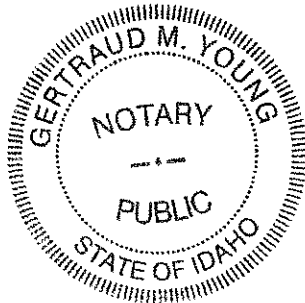
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Judit Cole
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

6 / 11 / 07



Gertraud M. Young
Notary Public for State of Idaho
Residing at: Indian Valley, ID
My Commission Expires: 1/30/2013

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 11th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Karl G. Cole
Address: 2451 U.S. Hwy 95
Council, ID 83612

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

x Karl G. Cole

Signature of objector or attorney
mailing on Objector's behalf

Conversation Memorandum

Date: 3-27-07

To: File 67-73C and file 67-74C

Cc: Karl (Jeff) Cole

RE: Conversation with Karl (Jeff) Cole regarding Point of Re-diversion

On Monday 3-26-07 I spoke with Karl (Jeff) Cole at the Lost Valley Reservoir shareholders meeting. Jeff asked if I had added a point of re-diversion on his property where the Weiser River water under 67-73C and 67-74C is re-diverted out of Ft. Hall Creek and pumped to the south side of his property. Jeff told me we had discussed this at the NOE public meeting. I told Jeff I would have to go back to the office and look at the file.

On Tuesday 3-27-07 I pulled files 67-73C and 67-74C. I did not recommend a point of injection or point of re-diversion for the above mentioned water rights. However, I did find in the file the documentation Mr. Cole sent supporting the historical existence of the POD he was requesting.

I called Mr. Cole and told him that at this time he would need to file an objection but I felt I had enough evidence to support adding the POD. The evidence submitted does not give a date to definitively show that the point of re-diversion was in place prior to 1987, however, the air photos support irrigation of the south side of the river in 1987, then it is reasonable that the POD was in place at that time.

I am sending Mr. Cole a copy of the objection form.