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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

) SUBCASE NO. 37-239D
)
)

Case No. 39576

) STIPULATION TO RESOLVE
) OBJECTION
)
)
)
)

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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 claimants (Carolyn and Gary Coleman), the objectors (Gary and Helen DeMoss) and IDWR agree and stipulate that this **stipulation resolves the objection by Gary and Helen DeMoss to 37-239D.**

The following remark will be included with the priority date element for Gary and Helen DeMoss's water rights 37-856, 37-2778, 37-2780, and 37-7754:

Pursuant to a call in times of scarcity, the diversion to storage from November 1 to March 31 is not subject to curtailment by **Water Right No. 37-239D.**

The parties realize that the remark on the four DeMoss rights that subordinates 37-239D may be expanded to include the subordination of other water rights, prior to the entry of the Special Masters Report and Recommendation for 37-856, 37-2778, 37-2780, and 37-7754.

The parties and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:

Gary R. Coleman 9-13-07
Gary R. Coleman Date

By Josephine P. Beeman 12 Sept 07
Josephine P. Beeman Date
Beeman & Associates, P.C.
Attorneys for Gary A. & Helen DeMoss

Carolyn F. Coleman 9-13-07
Carolyn F. Coleman Date

IDWR CONCURRENCE:

Carter Fritschle 10-10-07
Carter Fritschle Date
Adjudication Supervisor, IDWR

Nicholas Spencer 10-10-07
Nicholas Spencer Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on ^{October 11}~~September~~ ____, 2007, 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

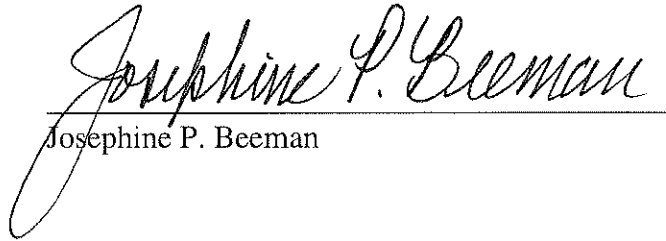
2. Copies to:

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

Gary & Carolyn Coleman
1651 Shoestring Road
Gooding, ID 83330

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

James Tucker
Idaho Power Co.
P. O. Box 70
Boise, ID 83701



Josephine P. Beeman

gpc

08/28/2006

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

RIGHT NUMBER: 37-239D

NAME AND ADDRESS: GARY R COLEMAN
1651 SHOESTRING RD
GOODING ID 83330

CAROLYN F COLEMAN
1651 SHOESTRING RD
GOODING ID 83330

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.680 CFS

PRIORITY DATE: 08/29/1884

POINT OF

DIVERSION: T06S R14E S21 SENW Within GOODING County

PURPOSE AND

PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	0.680 CFS
PLACE OF USE:	<u>IRRIGATION Within GOODING County</u>		
	T06S R14E S21 NESW 32.00	T06S R14E S21 NWSW	40.00
	T06S R14E S21 SWSW 40.00	T06S R14E S21 SESW	33.00
	T06S R14E S28 NENW 29.00	T06S R14E S28 NWNW	33.00
	T06S R14E S29 SWNE 41.00	T06S R14E S29 NWNW	32.00
	T06S R14E S29 SWNW 30.00	T06S R14E S29 SENW	33.00

343 ACRES TOTAL

RIGHT NOS. 37-239D AND 37-240D ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 37-239D, 37-240D, 37-607D AND 37-608D ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.

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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE LOWER FROST DITCH.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

cf
JPB
NBS

GPC