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AUG 12 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 11 2008

By

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

Clerk

Deputy Clerk

In Re SRBA

Subcase Nos. 67-10637

Case No. 39576

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:

Lee F. Cole

OBJECTOR:

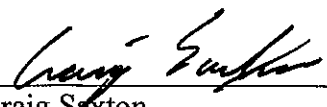
State of Idaho on behalf of the Department
of Lands

Lee F. Cole 7-31-08
Lee F. Cole Date
Claimant/*Pro Se*

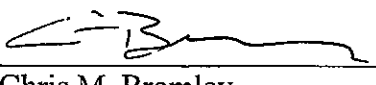
David Stanish 7/23/08
David Stanish Date
Attorney for Objector

STANDARD FORM 5 - 67-10637

IDWR Concurrence:

 7/24/08

Date
Craig Saxton
IDWR Agent

 7/25/08

Date
Chris M. Bromley
Deputy Attorney General

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

RIGHT NUMBER: 67-10637

NAME AND ADDRESS:

DORA V COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612-5009

LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: Source:
LAKEY CREEK

Tributary:
HORNET CREEK

QUANTITY: 0.450 CFS
0.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/04/1901

POINT OF DIVERSION:

T17N R02W S16 SESE
Within ADAMS County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	0.400 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION within ADAMS County

T17N R02W S15 NWSW 2.5

~~T17N R02W S15 NWSW 0.6~~

T17N R02W S15 SWSW 16.0

~~T17N R02W S15 SWSW 13.0~~

T17N R02W S15 SESW 1.5

~~T17N R02W S16 NESE 0.4~~

~~T17N R02W S16 SESE 6.0~~

STOCKWATER Same As IRRIGATION

20 ACRES TOTAL

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 for stockwater use is not a determination of historical beneficial use.

Access to the point of diversion for this water right is governed by a private agreement executed by the Idaho Department of Lands and Dora and Lee Cole.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 150 range cattle.

CERTIFICATE OF MAILING

I certify that on August 7, 2008, 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:

Lee F. Cole
2565 Council Cuprum Rd.
Council, Idaho 83612-5009

State of Idaho
Department of Lands
954 W. Jefferson
P.O. Box 83720
Boise, Idaho 83720-0050

United States Department of Justice
Environment & natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

IDWR Repository
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form