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September 2, 2008

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

Chief, Nat. Resources Div.
Off. of the Atty. General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

US Dept. of Justice
Env. & Nat. Resources Sect.
550 West Fort Street
MSC 033
Boise, ID 83724

Re: In Re SRBA Case No. 39576; Subcase No. 67-383A and B

Copies enclosed:

- ☐ For you to fill out. Please complete form and return to my office.
- ☒ For your information.
- ☐ For filing. Please file the original document and return the conformed copy in the envelope which we have provided.

REMARKS:

Enclosed please find a copy of the following documents:

1. Stipulated Elements of a Water Right for Right No. 67-383A;
2. Stipulated Elements of a Water Right for Right No. 67-383B; and
3. Letter to the SRBA Clerk of Court dated September 2, 2008.

Please call if you have any questions.

A handwritten signature in cursive script that reads "Laura M. Terrazas".

Laura M. Terrazas
Paralegal for Julie Klein Fischer
T:\Clients\W\Walling, Larry\IDWR, NRD, USDOJ.transmittal.docx

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**Morrow
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September 2, 2008

Clerk of Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: In Re SRBA Case No. 39576
Subcase No. 67-383A

Dear Clerk:

Enclosed please find the following documents:

- One original and one copy of a *Stipulated Elements of a Water Right*
- One original and one copy of another *Stipulated Elements of a Water Right*

Please file the originals and return the conformed copies to our office in the envelope provided for your convenience. Thank you for your assistance. Please contact me with any questions.

Sincerely,

MORROW DINIUS



Laura M. Heisel
Paralegal to Julie Klein Fischer

Enclosures

C: IDWR Document Depository
Chief, Natural Resources Division
US DOJ, Env. and Nat. Res. Section
T:\Clients\W\Walling, Larry\SRBA Clerk.09.02.08.docx

**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. 67-383A
	)	
	)	
Case 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	

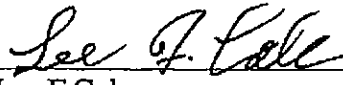
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

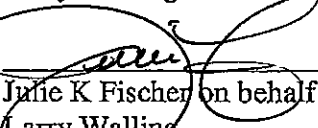
CLAIMANT:
Lee & Dora Cole

OBJECTOR:
Larry Walling



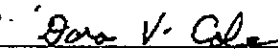
Lee F Cole

8-20-08
Date



Julie K Fischer on behalf of
Larry Walling

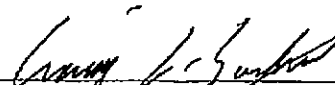
9-2-08
Date

x 

Dora V Cole

8-20-08
Date

IDWR Concurrence:



Craig L. Saxton

8-20-08
Date



Christopher M. Bromley
Deputy Attorney General

8/21/08
Date

CERTIFICATE OF MAILING

I certify that on ~~August~~ ^{Sept.} 2, 2008, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

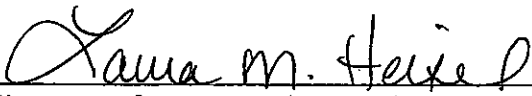
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P O Box 83720
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing the form

08/19/2008

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

RIGHT NUMBER: 67-383A

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: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY:

~~0.410~~ 0.30 CFS

PRIORITY DATE:

06/30/1883

POINT OF
DIVERSION:

T17N R02W S15 SWNWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.410 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T17N R02W S15	NESW	1.30	T17N R02W S15	NWSW	7.40
T17N R02W S15	SWSW	6.30	T17N R02W S15	SESW	24.00

39 ACRES TOTAL

This right is limited to the irrigation of ~~32.8~~ 34 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 39.0 acres in a single irrigation season. Combined Right Nos.: 67-383A & 67-398

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.