

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

NOV 18 2008

By _____ Clerk

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NOV 13 2008

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

Subcase Nos. 67-73C

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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DEPARTMENT OF
WATER RESOURCES

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.

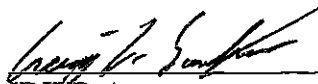
CLAIMANT(s)/OBJECTOR(s):

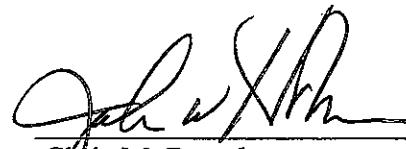
Karl G. Cole 11.06.08
Karl G Cole Date

Judit Cole 11/06/08
Judit Cole Date

STANDARD FORM 5 67-73C

IDWR Concurrence:

 11-14-08
IDWR Agent Date

 11-14-08
Chris M. Bromley JOHN W. HOMAN Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Nov. 17, 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:

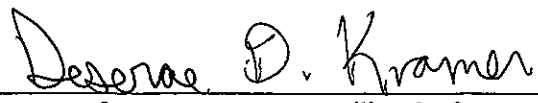
1. Original to:

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:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JUDIT COLE
KARL & JUDIT COLE
KARL G COLE
2451 HWY 95
COUNCIL, ID 83612


Signature of person or attorney mailing the form

10/31/2008

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

RIGHT NUMBER: 67-73C
NAME AND ADDRESS: JUDIT COLE
2451 HWY 95
COUNCIL ID 83612

KARL G COLE
2451 HWY 95
COUNCIL ID 83612

CS-
JG.C.
JG.C.

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.059 CFS
PRIORITY DATE: 05/01/1906
POINT OF DIVERSION:

T17N R01W S4 SWNE Lot 1 Within ADAMS County

T17N R01W S23 SWNE Injection Within ADAMS County

T17N R01W S23 SENW Rediversion Within ADAMS County

Water diverted under this right is exchanged by injecting water diverted under this right into Fort Hall Creek at the point of injection described above, and diverting an equal amount from Fort Hall Creek at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.059 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S23	SENW	5.50	T17N R01W S23	NESW	0.20
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5.7 ACRES TOTAL

Right Nos. 67-73C and 67-74C are limited to the irrigation of a combined total of 5.7 acres in a single irrigation season.

This right is limited to the irrigation of 4.8 acres within the place of use described above 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

ENG
CS gda