



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

February 17, 2009

Brett & Anita Cooke
50 East Wallace
Driggs, ID 83422

RE: SRBA Subcase Nos. 22-13870, 22-13866 & 22-13868

Dear Mr. & Ms. Cooke:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. The SF5 is the document required by the SRBA ("Snake River Basin Adjudication") Court to settle water right disputes. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. After signature, please return the original SF5s to me, and I will file them with the SRBA Court and will provide copies to you..

If you should have any questions or comments, please contact Michael Holliday, Senior Water Resource Agent, Eastern Regional Office in Idaho Falls at 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 22-13870

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 this water right should be disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

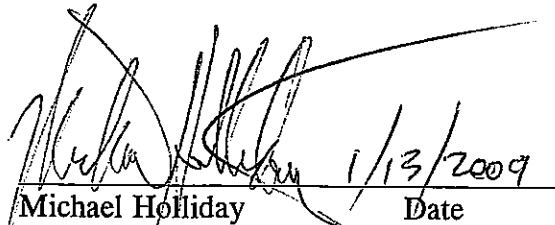
Anita Cooke

Date

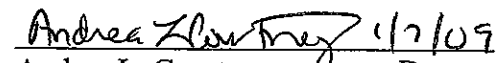
Brett Cooke

Date

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
22-13870	BRETT COOKE 50 EAST WALLACE DRIGGS ID 83422	Disallowed	Recommended as Right Nos. 22-13382, 22-13871, and 22-13907.
	ANITA COOKE 50 EAST WALLACE DRIGGS ID 83422		

INITIAL
HERE



AR

MWH

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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:

ANITA COOKE
BRETT COOKE
50 EAST WALLACE
DRIGGS, ID 83422

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 22-13866
	)	<i>Split from 22-13375</i>
	)	
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.

CLAIMANTS:

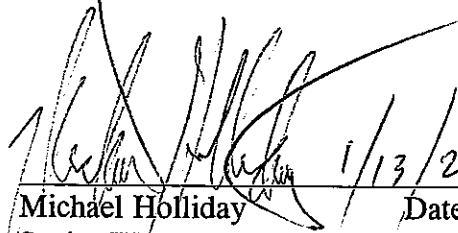
Anita Cooke

Date

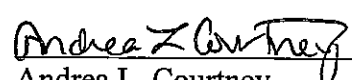
Brett Cooke

Date

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

INITIAL
HERE

RIGHT NUMBER: 22-13866
NAME AND ADDRESS:

ANITA COOKE
50 EAST WALLACE
DRIGGS ID 83422

BRETT COOKE
50 EAST WALLACE
DRIGGS ID 83422

SOURCE: Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY: 0.730 CFS

~~0.650 CFS~~

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.730 CFS

~~0.650 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S17 NENW 28.0

T06N R45E S17 NWNW 4.0

32 ACRES TOTAL

Right Nos. 22-13866 and 22-13868 are limited to the irrigation of a combined total of 32 acres in a single irrigation season.

~~Use of this right with Right Nos. 22-13866, 22-13868 and 22-13870 are limited to the irrigation of a combined total of 32 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Stewart Ditch.

This right is a split from former right 22-174B.

~~This right is a split from former right 22-13375.~~

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

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SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

ANITA COOKE
BRETT COOKE
50 EAST WALLACE
DRIGGS, ID 83422

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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. 22-13868
	)	<i>Split from 22-13378</i>
	)	
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.

CLAIMANTS:

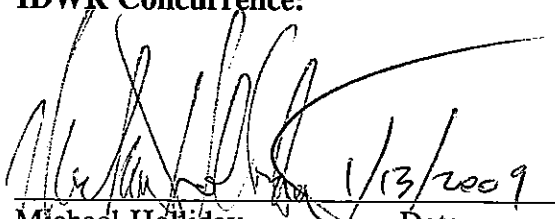
Anita Cooke

Date

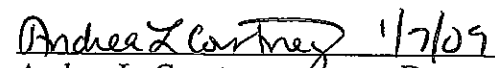
Brett Cooke

Date

IDWR Concurrence:



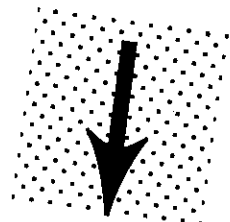
Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

INITIAL
HERE



RIGHT NUMBER: 22-13868

NAME AND ADDRESS:

ANITA COOKE
50 EAST WALLACE
DRIGGS ID 83422

BRETT COOKE
50 EAST WALLACE
DRIGGS ID 83422

SOURCE: Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY: 0.730 CFS

~~0.650 CFS~~

PRIORITY DATE: 01/18/1905

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.730 CFS

~~0.650 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S17 NENW 28.0

T06N R45E S17 NWNW 4.0

32 ACRES TOTAL

Right Nos. 22-13866 and 22-13868 are limited to the irrigation of a combined total of 32 acres in a single irrigation season.

~~Use of this right with Right Nos. 22-13866, 22-13868 and 22-13860 are limited to the irrigation of a combined total of 32 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Stewart Ditch.

This right is a split from former right 22-254A.

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

~~This right is a split from former right 22-13378.~~

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