

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-12891
Date Received: 11/5/2004
Receipt No: 6030392
Received By: KMS

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JAMES T COLE Phone: (208)558-9062
ISLAND PARK
ID ID USA 83429

SUSAN B COLE Phone: (208)558-9062
ISLAND PARK
ID ID USA 83429

2. Date of Priority: 05/01/1969

3. Source: HOWARD CREEK Trib. to: HENRYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	43E	14	SE NE NW	FREMONT	

5. Description of diverting works:
HEADGATE AND DITCH TO STOCK POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	04/15	10/15	0.04	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
15N	43E	14	SE NE	STOCKWATER	

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:
WATER USE IS FOR 300 HEAD RANGE CATTLE

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-12891Date Received 11/04/03 KJReceipt Number E030392**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s) James T. Cole & Susan B. Cole Phone (208) 558-9062
Mailing Address HC 66, Box 186A, Island Park, ID Zip 83429
2. Date of Priority (Only (1) per claim) May 1, 1969
3. Source of water supply (a) Howard Creek
which is tributary to (b) Henry's Lake
- 4.a. Location of existing point of diversion is:
Township 15N Range 43E Section 14, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____,
County of Fremont
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgate and ditch to stock pond.
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)
For Stockwater purposes from 04/15 to 10/15 amount 0.04 or 5
7. Total quantity claimed (a) 0.04 (cfs) and/or (b) 5 (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) 300 head range cattle

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	43E	14												S					

Total number of acres irrigated _____

11. In which county(ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes X No ____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

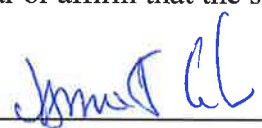
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (✓)

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ✓ Posted Notice _____ Permit _____ Decree _____ License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)  Date Sept. 7. 2004

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ of _____ (Title)

_____, that I have signed the foregoing document in the space below as _____ (Organization)

_____ of _____ and that the statements contained in the foregoing document are true and correct.
(Title) (Organization)

Signature of Authorized Agent _____

Title and Organization _____ Date _____

Last Name Cole Ident. Number _____

State of ~~Idaho~~ Montana)
) SS.
County of Gallatin)

Subscribed and sworn (or affirmed) before me this 8 day of September, 2002.

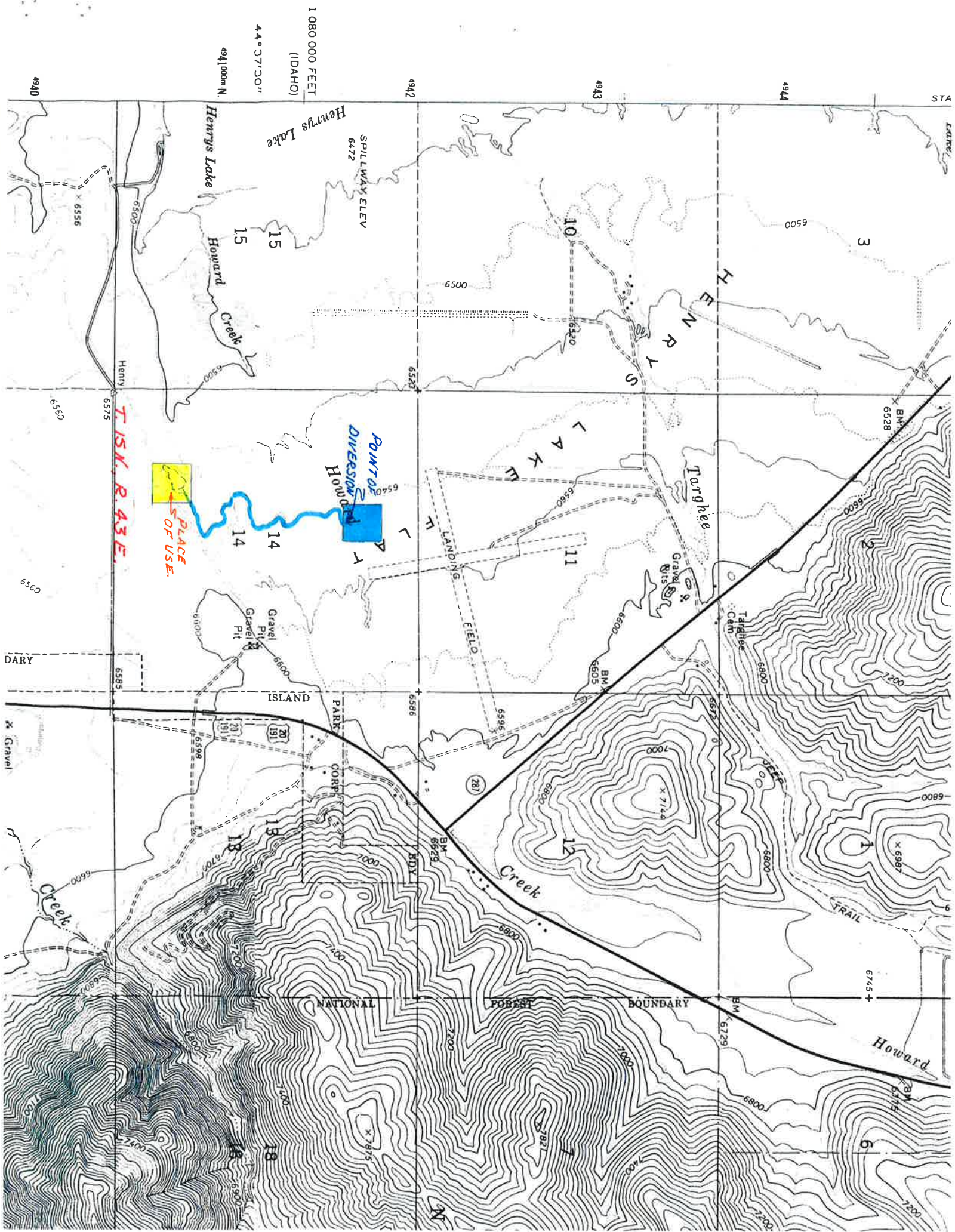
Notary Public Janna Turner
Residing at West Yellowstone
My Commission Expires May 14, 2006



17. Notice of Appearance:

Notice is hereby given that I, Kent K. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]
Address PO Box 50130 Idaho Falls, ID 83405
Date 11/1/04



September 29, 2004

We, Vern Frazier and Ray Frazier were born and have lived all of our lives in the Henry's Lake area. We have worked for the Diamond D Ranch and the Slash E Ranch for 40+ years. These ranches adjoin the Howard Creek Ranch owned by Mr. & Mrs. Cole. We now work for all three ranches. From our earliest memories, we recollect that Howard Creek was always used for stock watering, along with a small lateral that feeds a low area for stock watering. It has been this way for at least 40 years.

Sincerely;


Vern Frazier


Ray Frazier

September 30, 2004

**Acknowledgment
Regarding Water Usage
Howard Creek, Henry's Lake, Idaho**

I, Lisa Williams, am the granddaughter of D. F. Richards, who acquired the Flying R/Howard Creek Ranch in the 1920's. Ever since I was a young girl, I remember my grandparents and parents using Howard Creek for stock watering. I also remember we had a small irrigation lateral that took off from Howard Creek to fill a shallow natural area for stock watering. We sold the ranch to Mr. & Mrs. Cole in 1994 and presently live across the road from the ranch.

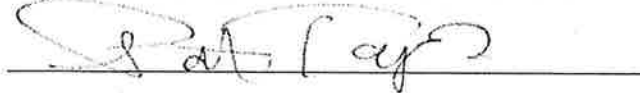
Sincerely,



Lisa Hittson Williams

State of Montana
County of Gallatin
Date: 8th October, 2004

Signed or attested before me on 8th October, 2004 by Lisa Williams



Signature of Notarial officer

Pati Taylor
Notary Public for the State of Montana
Residing at West Yellowstone, Montana
My commission expires September 9th, 2007

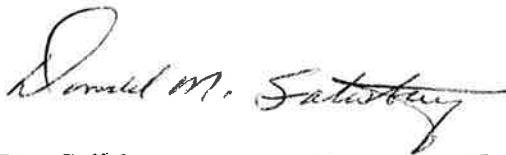
October 15, 2004

To Whom It May Concern:

The Salisbury Corporation has owned the Diamond D Ranch on Henry's Lake for over 100 years. It shares the boundary with Howard Creek Ranch (Mr. & Mrs. Cole). We also have approximately 1 mile of Howard Creek on our ranch.

The Howard Creek Ranch has always used Howard Creek for stock watering. The ranch also includes a small, shallow natural pond that is fed by a lateral and is used for stock watering. This lateral is several hundred yards from our property line. I have been around the ranch for over 70 years and it has always been that way.

Sincerely;

A handwritten signature in cursive script that reads "Donald M. Salisbury".

Don Salisbury

Don - SALISBURY CORP.

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
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1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
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E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona

**Also Licensed in Missouri & Kansas

November 2, 2004

RECEIVED

NOV 03 2004

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Ladies and Gentlemen:

We are enclosing with this letter two (2) Amended Notices of Claim for rights numbers 21-76B and 21-77C and a new Notice of Claim on behalf of James T. Cole and Susan B. Cole and the Slash E. Ranch which is a sole providership owned by James T. Cole. The filing fee in the amount of \$75.00 (25.00 for the claim and \$50.00 for the late fee) is enclosed for the new Notice of Claim.

Copies of statements from various neighbors and others familiar with the property and a map is attached to each of the amended notices and the new notice. Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosures