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Department of Water Resources
Eastern Region

September 25, 2007

to the Department of Water Resources:

I would like to file an exception to the claim of diversion and beneficial use of water 13-7704 filed by Gerald C. Cole. 5527 E. Glendale Road, Preston, Idaho 83263. The claim I am disputing:

Point of Diversion: SWNENE S23 T15S R40E Franklin County. Source: unnamed stream tributary to SINKS. Use: Irrigation 04/01 to 10/31 0.07 CFS. Total Diversion: 0.07 CFS Priority Date 4/1/1887 Place of use: Irrigation T15S R40E S23 NENE. Number of acres 2.3

Reason for exception to this claim is that the unnamed stream does not exist.

There is a spring - not a stream - that comes up a few hundred yards from our property boundary. However, the flow from the spring is very minimal and would not yield 0.07 CFS of water. The hollow on our ground above Gerald Cole's spring has become very wooded. There was a water trough there previously and there is water there. I

hope to remove the trees and by doing so, increase the flow of water in our intermittent spring. I feel if I develop more water on my property that Cole may claim some of it was drawn from his water source.

Receipt
#E033434

Jim Hull
6887 E Cub River Rd. Preston Ida 83263