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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

Department of Water Resources

FILED

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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	)	Subcases 51-10207 (Split into 51-12978
	)	and 51-12979)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	STIPULATION TO DISALLOW
	)	51-12978, 51-12979 AND
	)	RE-RECOMMEND 51-10207

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.

IDWR issued the original recommendation for 51-10207 in its *Director's Report for Irrigation and Other Uses, Reporting Area 6, Basin 51* on November 24, 1998. Subsequently, on November 18, 2002, IDWR split water right number 51-10207 into 51-12978 and 51-12979. 51-12978 was recommended to the Robertsons and 51-12979 was recommended to the Kohrings. The parties and IDWR now agree that 51-10207 should not have been split. The parties and IDWR agree that 51-12978 and 51-12979 should be disallowed and that the original 51-10207 should be decreed as described per the attached Amended Director's Report for 51-10207. The parties and IDWR believe that this will best capture the historical use of this water right. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

STANDARD FORM 5 – 51-10207 (Split into 51-12978 and 51-12979)

CLAIMANT/OBJECTOR:

Tri-Vial, Inc.

Eugene Robertson 6/20/03
Eugene Robertson Date

Susan Wildwood 6-22-03
Susan Wildwood Date
Attorney for Tri-Vial, Inc.

Susan Robertson 6/20/03
Susan Robertson Date

CLAIMANT(s)/OBJECTOR(s):

Kent Kohring 6/6/03
Kent Kohring Date

Virginia Kohring 6/6/03
Virginia Kohring Date

Jim Jones 6-11-03
Jim Jones Date
Attorney for claimants/objectors

IDWR Concurrence:

Carter Little 6-25-03
IDWR Agent Date

Garrick L. Baxter 6/25/03
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on June 25, 2003, 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:

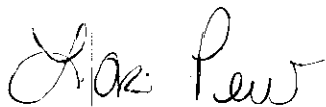
Tri-Vial, Inc.
Eugene & Susan Robertson
HC 85, Box 139E
Bruneau, ID 83604

Kent & Virginia Kohring
HC 85, Box 140
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Susan Wildwood
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Signature of person or attorney mailing the form

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