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FROM: Tammy Theiler, Legal Assistant
to Teresa L. Sturm

DATE: February 26, 2004

RE: In Re: SRBA, Case No. 39576, Subcase No. 35-13305
Total Number of Pages (Including Cover Sheet) 5

Attached please find our Notice of Appearance filed in the above-entitled matter on this date. Thank you.

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Attorneys for Brenda Stolworthy

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 NO. 35-13305

MOTION FOR AN ORDER TO
AMEND PARTIAL DECREE
AND CONFIRMING THE
PARAMETERS OF WATER
RIGHT NO. 35-13305

COMES NOW Claimant herein Brenda Stolworthy, by and through her attorneys of the law firm of Hopkins Roden Crockett Hansen & Hoopes and represents to the Court as follows.

Brenda Stolworthy is the water rights claimant in Subcase No. 35-13305. Claimant filed a claim on or about the 12th day of March, 2001 alleging a priority date of 9-8-1960, source groundwater, points of diversion in T1N, R36E., B.M. Section 34 for

10.25 cfs total quantity appropriated. Place of use was identified in the claim to a water right on a total of 527.1 acres.

On or about February 12, 2003 the Idaho Department of Water Resources submitted its list of rights not recommended and included therein Water Right No. 35-13305 explaining the water right was disallowed on the grounds that the right was recommended as Right No. 35-7493. Claimant objected on the grounds that Right No. 35-13305 has a priority date of 1960, is separate from Right No. 35-7493 and should be recommended with an appropriate date as set forth above for 10.25 cfs.

The matter was investigated by the Idaho Department of Water Resources and Claimant has been advised that Claimant has provided sufficient proof to establish a priority date on Right No. 35-13305 of September 8, 1960 for 10.25 cfs with the place of use covering approximately 527.1 acres in T1N, R36E., B.M. Section 27, T1N R36E., B.M., Section 33, T1N R36E., B.M., Section 34, T1S, R36E., B.M., Section 2 and T1S, R36E., B.M., Section 3.

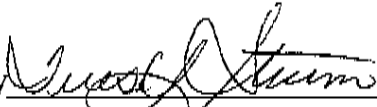
Representatives of the Department, while acknowledging the established 1960 priority date and the water claimed indicate there may be a partial overlap between Right No. 35-13305, Right No. 35-7368B, Right No. 35-7000B, and Right No. 35-7493. The Department suggested it would be appropriate to set aside or amend the partial decrees on those water rights and proceed with a new decree as to all four rights.

Claimant hereby moves the Special Master for entry of an order confirming Water Right No. 35-13305 in accordance with the description set forth in the Notice of

Claim to a Water Right filed on or about March 12, 2001. Claimant further moves for entry of an Order from the Special Master that a partial decree as to Right No. 35-7368B, No. 35-7000B and No. 35-7493 be set aside and an additional review be completed in light of the beneficial use confirmed as to Right No. 35-13305, and that all four rights be established and approved.

Respectfully submitted this 26th day of February, 2004.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

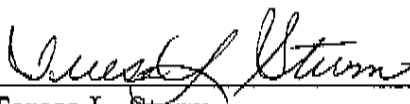
By 
Teresa L. Sturm

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DATED this 26th day of February, 2004.

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC

By 
Teresa L. Sturm

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