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Department of Water Resources

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: 29-11681

Case No. 39576

STIPULATION TO RESOLVE
OBJECTION

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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 claimants, BLM and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation will resolved the objection to place of use filed by the BLM. The claimants, BLM and IDWR acknowledge that the objection filed by claimant Kenneth Andrus to the priority date, and the objection filed by Marsh Valley Development, Inc., are still outstanding. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Jim Andrus 4/8/04
Jim Andrus Date

CLAIMANT/ OBJECTOR:

Kenneth D. Andrus Apr 8 2004
Kenneth D. Andrus Date

CLAIMANT:

Colleen L. Andrus 4/8/04
Colleen L. Andrus Date

OBJECTOR:

Larry Brown 4/16/04
Larry Brown, USDOJ
Attorney for BLM Date

IDWR CONCURRENCE:

Ernie Carlson 2-11-04
Ernie Carlson Date
Adjudication Supervisor, Eastern Region

Candice M. McHugh 2-12-04
Candice M. McHugh (As to Form) Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on Sept. 16, 2004 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:

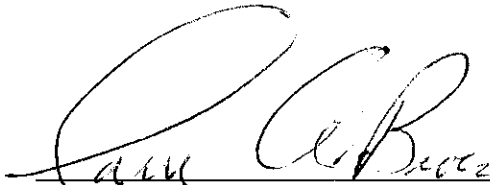
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724

Jim Andrus
Kenneth Andrus
Colleen Andrus
6948 E Old Oregon Trail Rd.
Lava Hot Springs, ID 83246

Marsh Valley Development
5203 S. 11th East
Idaho Falls, ID 83404



Signature of person or attorney mailing the form