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MAY 17 2004
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: 29-4079

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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 parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Maurice Toler 5-13-04
Maurice Toler Date

CLAIMANT/ OBJECTOR:

Helen Toler 5-13-04
Helen Toler Date

IDWR CONCURRENCE:

Allen Ruberry
Allen Ruberry Date
Senior Water Resource Agent

Candice M. McHugh 5/6/04
Candice M. McHugh Date
Attorney for IDWR

05/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4079
NAME AND ADDRESS: MAURICE A TOLER
231 E GLOVER RD
ARIMO ID 83214

HELEN TOLER
231 E GLOVER RD
ARIMO ID 83214

7/17/04 H.T.
TRIBUTARY: GARDEN CREEK

SOURCE: SPRINGS
QUANTITY: ~~0.24 CFS~~ 0.580 CFS
PRIORITY DATE: 04/01/1921
POINT OF DIVERSION:

T108 R36E S11 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/30

QUANTITY
~~0.24 CFS~~ 0.580 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T108 R36E S02	SENW	1.4	T108 R36E S02	NESW	15.0
T108 R36E S02	SWSW	5.4	T108 R36E S02	SESW	7.0

28.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

CERTIFICATE OF MAILING

I certify that on May 17, 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:

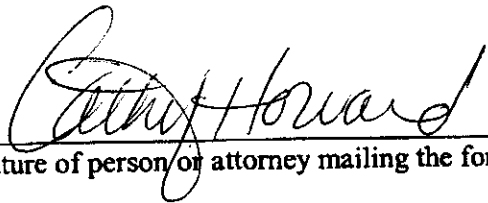
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Maurice and Helen Toler
231 E Glover Rd.
Armo, ID 83214



Signature of person or attorney mailing the form