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MAY 20 2004

DEPARTMENT OF
WATER RESOURCES
TWIN FALLS, IDAHO
FILED

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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

Case No. 39576

SUBCASE NO: 29-4079

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
Senior Water Resource Agent Date

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

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:

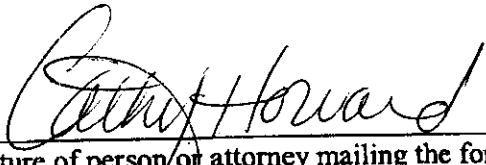
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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