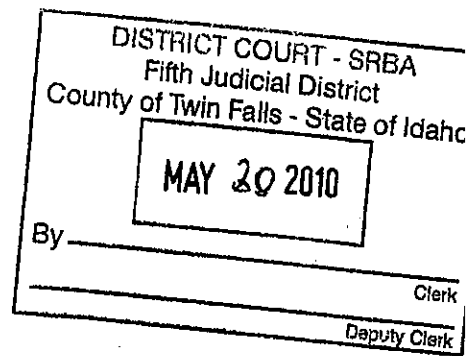


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Attorneys for Vincent and Malinda Tracy



**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

) Subcases:
) 74-179C (Stokes)
) 74-179D (Eagle Valley Ranch)
) 74-180B:
) 74-15890 (Stokes)
) 74-15891 (Eagle Valley Ranch)
) 74-4006 (Stokes)
) 74-15520 (Stokes)
) 74-15521 (Eagle Valley Ranch)

**MEMORANDUM AGREEMENT
STIPULATING TO VACATE TRIAL
SETTING**

COMES NOW, the above parties and agree as follows:

1. That the Trial set for May 21, 2010 in the above referenced matter is to be vacated;
and
2. That Vincent and Malinda Tracy will proceed to file a claim for waste water, which
comes from the Eagle Valley Ranch and will flume the waste water across the canal
used by the District 74-C water users; and

3. That the District 74-C water users agree not to object to the waste water claim to be filed by the Tracys; and
4. That Tracys agree not to disturb the embankment of the canal. The Water District 74-C users consent and agree that the Tracys may install a flume across the canal providing that it will not disrupt the flow of water in the canal and will not disturb or degrade the banks of the District 74-C canal; and
5. Tracys will and do hereby withdraw their objection to the Amended Director's Report.

Dated this 14th day of May, 2010.

Vincent Tracy by Malinda Tracy 5-19 2010
VINCENT TRACY

Malinda Tracy 5-19 2010
MALINDA TRACY

Boyd Stokes 5/19/2010 2010
BOYD STOKES, President, Water District 74-C

E. Dale Jolley 5/19 2010
E. DALE JOLLEY

Earl Dean Stokes 5-19-2010 2010
EARL DEAN STOKES

Eagle Valley Ranch by Mike Kossler 5-19-2010 2010
EAGLE VALLEY RANCH, by MIKE KOSSLER

**CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION**

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the person(s) named below, at the address set out below his/her name, by mailing a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

WATER DISTRICT 74-C
C/O BOYD STOKES
646 LEMHI ROAD
SALMON, ID 83467
Phone: 208-756-3923

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EARL DEAN STOKES
BETTY W. STOKES
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EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK ROAD
SALMON, ID 83467

EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS, NJ 07078

VINCENT & MALINDA TRACY
3 PRAIRIE ROAD
SALMON, ID 83467

DATED this 14 May 2010.


MILTON A. SLAVIN

CIVMISC\TRACY.V&M.MOA.VACATE.11909-09