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Instrument # 196091

IDAHO CITY, BOISE COUNTY, IDAHO

2004-04-29

08:34:49 No. of Pages: 6

Department of Water Resources

Recorded for : US FOREST SERVICES

RORA A. CANODY

Fee: 18.00

Ex-Officio Recorder Deputy

Index to: MISCELLANEOUS

Names of Parties Serving Document:

UNITED STATES OF AMERICA

STATE OF IDAHO DEPARTMENT OF
HEALTH AND WELFARE

Attorneys' Names and Addresses:

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Environment and Natural Resources Division

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Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

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Environment and Natural Resources Division
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Boise, Idaho 83711-4449
(208) 334-2400
ISB # 2597

**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 Number: 63-26877

)

) **STIPULATION TO RESOLVE**

) **UNITED STATES' OBJECTION**

)

)

The United States of America ("United States") and the State of Idaho Department of Health and Welfare ("IDHW") (collectively "Parties"), by and through their respective counsel, hereby stipulate and agree as follows as to water right number 63-26877 ("Water Right"):

STIPULATION TO RESOLVE UNITED STATES' OBJECTION

Page 1

1. OWNERSHIP. Ownership of the Water Right is held by the IDHW as its sole and separate property.

2. PURPOSE OF USE. The Parties agree that the Purpose of Use of the Water Right is only for recreation storage at Camp Ee-Da-How, a summer camp operated by IDHW at the location of the Place of Use and Point of Diversion for the Water Right. The Parties agree that the Purpose of Use can only be changed by mutual consent of the Parties.

3. TERMINATION OF OPERATION OF CAMP EE-DA-HOW. If IDHW terminates operation of Camp Ee-Da-How, the IDHW grants the United States a right of first refusal to purchase the water right when such becomes available, or the right to meet any other offer. The transfer of Camp Ee-Da-How to an entity that is not an agency of the State of Idaho shall not constitute a termination of operation of Camp Ee-Da-How under this section, if the persons who attend the camp include persons provided benefits under any program administered by the IDHW.

4. UNITED STATES' REGULATORY AUTHORITY. In this proceeding, the United States has compromised factual or legal disputes regarding claimed water rights to which it may be entitled for federal purposes. Notwithstanding any interest in water rights IDHW may acquire under this Stipulation, IDHW agrees that the United States has the authority to manage federal lands consistent with federal laws, regulations, and policy. Nothing in this Stipulation shall be construed to limit federal land management authority or to impede its exercise.

5. STIPULATION CONTINGENT UPON PARTIAL AND FINAL DECREES. The Parties agree that this Stipulation is effective only if the Water Right proceeds to partial and final decrees from the SRBA Court as such Water Right is described on Exhibit 1. If for any reason the Court does not issue partial and final decrees for the Water Right as described on Exhibit 1,

this Stipulation is null and void and shall have no effect, and the Parties shall proceed with a determination of their water rights under applicable law.

6. STIPULATION NOT TO BE USED AGAINST THE PARTIES. The Parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing in this Stipulation, or any offers or compromises made in the course of negotiating this Stipulation, shall be construed as admissions against interest or tendered or used as evidence to show the validity or invalidity of any water right claims made by the Parties, or as an admission or concession of wrongdoing or liability, or shall be used in any manner by any party in the SRBA in any future proceedings in the SRBA, in any appellate proceedings concerning the SRBA, or in any other proceeding, other than those seeking approval of this Stipulation by the SRBA Court, for interpretation or enforcement of this Stipulation, or for a purpose contemplated by Idaho Rule of Evidence 408.

7. RESERVATIONS. The Parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing herein shall be construed as precedent in any other proceeding or context. Nothing in this Stipulation shall be construed to deprive any federal official of authority to revise, amend, or promulgate regulations. Nothing in this Stipulation shall be construed to commit any federal official to expend funds not appropriated by Congress.

8. VOLUNTARY EXECUTION. This Stipulation was entered into and executed voluntarily by the Parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

9. BINDING EFFECT. This Stipulation shall bind and inure to the benefit of the successors, assigns, heirs, executors, and administrators of each of the Parties.

10. PARTIES TO BEAR OWN COSTS AND FEES. The Parties agree that each Party is to bear its own costs and fees.

IN WITNESS WHEREOF, the parties have executed this agreement at Boise, Idaho.

STATE OF IDAHO
DEPARTMENT OF HEALTH AND
WELFARE

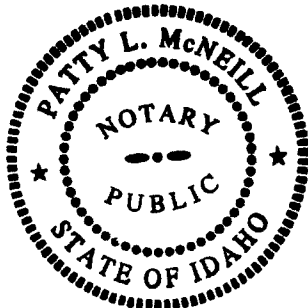

JOSEPH R. BRUNSON
Acting Director

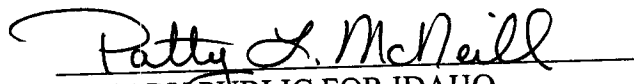

DAVID J. BARBER
Deputy Attorney General

STATE OF IDAHO)
) ss.
County of Ada)

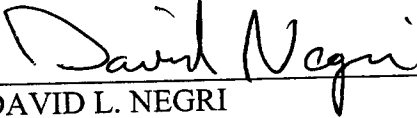
On this 26th day of April, 2004, before me Patty L. McNeill, a Notary Public, in and for the County and State, personally appeared **JOSEPH R. BRUNSON**, known or identified to me to be a **Acting Director of the State of Idaho, Department of Health and Welfare**, and **DAVID J. BARBER**, known or identified to me to be a **Deputy Attorney General** for the State of Idaho, and acknowledged to me that they executed the within instrument on behalf of the **STATE OF IDAHO, DEPARTMENT OF HEALTH AND WELFARE**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission expires: 6-30-2009

UNITED STATES OF AMERICA
US DEPARTMENT OF AGRICULTURE
FOREST SERVICE

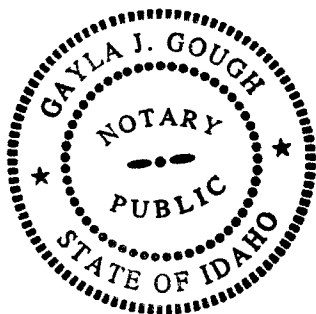


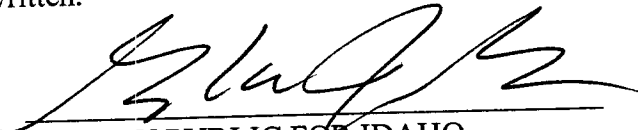
DAVID L. NEGRI
Trial Attorney

STATE OF IDAHO)
) ss.
County of Ada)

On this 26TH day of April, 2004, before me GAYLA J. GOUGH,
a Notary Public, in and for the County and State, personally appeared **DAVID L. NEGRI**,
known or identified to me to be a **Trial Attorney** for the United States Department of Justice,
and acknowledged to me that he executed the within instrument on behalf of the **UNITED
STATES OF AMERICA**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.





NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission expires: 11-17-2004

Right Number: 63-26877

Name and Address: STATE OF IDAHO
DEPT OF HEALTH & WELFARE
450 W STATE 10TH FL
BOISE, ID 83720

Source: SUMMIT CREEK Tributary: CROOKED RIVER

Quantity: .01 CFS
3.06 AFY

Priority Date: 09-01-1967

Diversion Point: T07N R07E S16 SWSWNW Within Boise County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Recreation Storage	05-15 TO 10-15	.18 AFY
	Diversion to Storage	05-15 TO 10-15	.01 CFS
			3.06 AFY

Place of Use: Recreation Storage Within Boise County
T07N R07E S16 SWNW

Diversion to Storage Within Boise County
T07N R07E S16 SWNW

Other Provisions Necessary for Definition / Administration of this Water Right:

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION TO RESOLVE UNITED STATES' OBJECTION BETWEEN THE UNITED STATES OF AMERICA AND THE STATE OF IDAHO, FILED IN THE OFFICE OF THE BOISE COUNTY RECORDER AND RECORDED ON _____, 2004 AS INSTRUMENT NO: _____; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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: Basis of Claim - Beneficial Use

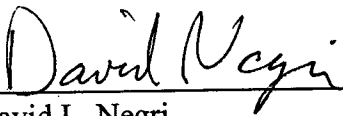
Recreation Use at Camp EE-DA-HOW.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2004 I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE UNITED STATES' OBJECTION** - 63-26877, by United States Mail, first class, postage prepaid, upon the following:

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

David J. Barber
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449



David L. Negri