

D. Scott Crook (5543)
SMITH HARTVIGSEN, PLLC
215 S. State Street, Suite 650
Salt Lake City, Utah 84111
Telephone (801) 413-1600
Facsimile (801) 413-1620
Attorney for Objectors

**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.

**STIPULATION REGARDING
ATTORNEY FEES**

Case No. 39576

SUBCASE NO: 29-2175
Special Master: Brigitte Bilyou

Claimant Doreen Curtis and Objectors Elmer Jay Hartvigsen Family Trust, Reed & Doris Hartvigsen Family Trust, and Richard N. Hartvigsen, having reached a settlement concerning the objections filed by Objectors in the above referenced subcase and having signed a Standard Form 5 Stipulation regarding each element of Water Right No. 29-2715, hereby mutually stipulate and agree that each party should bear his or her own attorney fees associated with this subcase and that Objectors will not seek any attorney fees in connection with Claimant's failure to appear at Initial Hearing held on this subcase on April 22, 2004.

The parties indicate their concurrence in this Stipulation by the signatures of their duly appointed attorneys-in-fact pursuant to the powers of attorney attached to the Standard Form 5 Stipulation being filed concurrently herewith.

DATED this 2nd day of May, 2004


D. SCOTT CROOK
SMITH HARTVIGSEN, PLLC
Attorneys for Objectors

Stipulation Regarding Attorney Fees
Subcase No: 29-2175
Page 2

CLAIMANT:

Kenneth Gene Curtis 5/24/04
Kenneth Gene Curtis Date

OBJECTORS:

David B. Hartvigsen 5/24/04
David B. Hartvigsen Date
Signatory for Doreen Curtis
Signatory for Richard N. Hartvigsen,
Reed & Doris Hartvigsen Family Trust, and
Elmer Jay Hartvigsen Family Trust

Stipulation Regarding Attorney Fees
Subcase No: 29-2175
Page 3

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of May, 2004, I caused to be sent via facsimile, hand-delivery and/or first-class mail U.S. Mail, postage prepaid, a true and correct original or copy of the foregoing *Stipulation Regarding Attorney Fees* addressed as follows:

Original to Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3078

Copies to Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0098
(208) 327-5400

IDWR Document Repository
PO Box 83720
Boise, ID 83720-0098

Doreen Curtis
c/o Gene Curtis
5049 South 2400 West
Mt. Sterling, Utah 84339
(435) 863-4037

D. Scott Crook
Smith Hartvigsen, PLLC
215 S. State Street, Suite 650
Salt Lake City, Utah 84111
(801) 413-1620

Kenneth Gene Curtis 5/24/04

=== COVER PAGE ===

TO: _____

FROM: DOREEN CURTIS

FAX: 208-558-9442

TEL: 208-558-7911

COMMENT: URGENT

FAX COVER SHEET

YOUR COMPANY NAME

Address (line 1)

Address (line 2)

City State or Province ZIP or Postal Code

Country

Phone number

Fax number

SEND TO	
Company name	From
Chief, Natural Resource	
Division, OFFICE OF THE ATT. General	Kenneth Gene Curtis
Attention	Date
	5/24/04
Office location	Office location
Fax number	Phone number
208-327-5400	(435) 863-4479

☐

Urgent

☐

Reply ASAP

☐

Please comment

☐

Please review

☐

For your information

Total pages, including cover

18

COMMENTS

Hard Copy with original signatures will be filed later.

05/24/2004 19:09 208-558-9442
05/24/2004 12:08 0014131620
Sent By: WATER RESOURCES;

2003275400

DOREEN CURTIS
SMITH_HARTVIGSEN

May-21 04 12:48PM;

PAGE 01
PAGE 08
Page 6/6

LIMITED POWER OF ATTORNEY

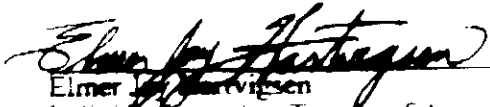
I, **Elmer Jay Hartvigsen**, of Downey, Idaho, individually and as Trustee of the **Elmer Jay Hartvigsen Family Trust ("Trust")**, do hereby appoint **David B. Hartvigsen**, of Centerville, Utah, as my true and lawful Attorney-in-Fact with full authority to act for me and on my behalf and on behalf of the Trust in all matters pertaining to **Subcase No. 29-2175** currently pending in the Snake River Basin Adjudication in the Fifth Judicial District Court, State of Idaho, in and for the County of Twin Falls, and in all matters pertaining to **Water Right No. 29-2175** before the Idaho Division of Water Resources, including, but not limited to, settling all of the Trust's objections pertaining to said water right and subcase.

All persons dealing with my Attorney-in-Fact shall rely on a photostatic copy hereof without requiring the production of the original document and no such persons shall have any duty to inquire into the authority of my Attorney-in-Fact to take any action set forth herein. I hereby release and agree to indemnify any and all persons for actions taken in compliance with directions from my Attorney-in-Fact or for honoring any document executed by my Attorney-in-Fact or for any action taken in reliance thereon.

My Attorney-in-Fact appointed herein may exercise all of the above rights and powers effective the date of this Document and shall remain in full force and effect until the receipt by my Attorney-in-Fact of a written revocation signed by me or until such time as it is terminated by a judicial proceeding in which a guardian or receiver shall be appointed for me. This power of attorney shall in no way be affected or terminated by my incompetency, disability or incapacitation.

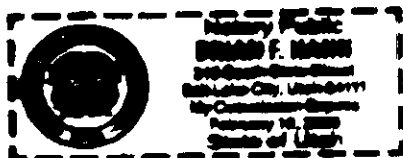
This power of attorney shall be governed by the laws of the State of Utah in all respects, including its validity, construction, interpretation, and termination. Should any provisions hereof be held to be invalid, such invalidity shall not affect the other provisions which shall remain in full force and effect.

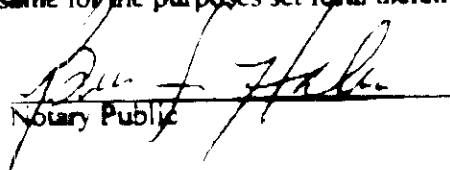
DATED and effective this 18th day of May, 2004.


Elmer Jay Hartvigsen
Individually and as Trustee of the
Elmer Jay Hartvigsen Family Trust

State of Utah)
 ss.
County of Salt Lake)

On this 18th day of May, 2004, Elmer Jay Hartvigsen personally appeared before me and being duly sworn acknowledged to me that he executed the same for the purposes set forth therein.




Notary Public

I, **David B. Hartvigsen**, the above named Attorney-in-Fact, hereby sign this power of attorney acknowledging my acceptance thereof and for the purpose of identification of my signature.


David B. Hartvigsen, Attorney-in-Fact

LIMITED POWER OF ATTORNEY

I, **Reed Hartvigsen**, of 649 E. Center Street, Bountiful, Utah, Trustee of the **Reed & Doris Hartvigsen Family Trust** (the "Trust") do hereby appoint **David B. Hartvigsen**, of Centerville, Utah, as my true and lawful Attorney-in-Fact with full authority to act for me and on my behalf as a Trustee of said Trust in all matters pertaining to Subcase Nos. 29-2175, 29-2177, 29-2178, and 29-2187 currently pending in the Snake River Basin Adjudication in the Fifth Judicial District Court, State of Idaho, in and for the County of Twin Falls, and in all matters pertaining to Water Right Nos. 29-2175, 29-2177, 29-2178, and 29-2187 before the Idaho Division of Water Resources, including, but not limited to, settling all of my objections pertaining to said water rights and subcases.

All persons dealing with my Attorney-in-Fact shall rely on a photostatic copy hereof without requiring the production of the original document and no such persons shall have any duty to inquire into the authority of my Attorney-in-Fact to take any action set forth herein. I hereby release and agree to indemnify any and all persons for actions taken in compliance with directions from my Attorney-in-Fact or for honoring any document executed by my Attorney-in-Fact or for any action taken in reliance thereon.

My Attorney-in-Fact appointed herein may exercise all of the above rights and powers effective the date of this Document and shall remain in full force and effect until the receipt by my Attorney-in-Fact of a written revocation signed by me or until such time as it is terminated by a judicial proceeding in which a guardian or receiver shall be appointed for me. This power of attorney shall in no way be affected or terminated by my incompetency, disability or incapacitation.

This power of attorney shall be governed by the laws of the State of Utah in all respects, including its validity, construction, interpretation, and termination. Should any provisions hereof be held to be invalid, such invalidity shall not affect the other provisions which shall remain in full force and effect.

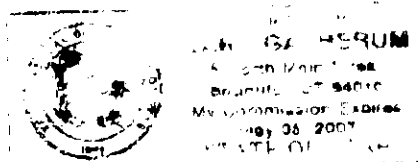
DATED and effective this 24 day of April, 2004

Reed Hartvigsen
Reed Hartvigsen, Trustee
Reed & Doris Hartvigsen Family Trust

State of Utah

County of Davis

On this 24 day of April, 2004, Reed Hartvigsen personally appeared before me and being duly sworn acknowledged to me that he executed the same as Trustee for the purposes set forth therein.



Doreen Curtis Smith
Notary Public

I, **David B. Hartvigsen**, the above named Attorney-in-Fact, hereby sign this power of attorney acknowledging my acceptance thereof and for the purpose of identification of my signature

David B. Hartvigsen
David B. Hartvigsen, Attorney-in-Fact

LIMITED POWER OF ATTORNEY

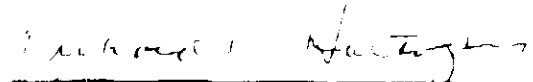
I, **Richard N. Hartvigsen**, of 1023 E. Millstream Way, Bountiful, Utah, do hereby appoint **David B. Hartvigsen**, of Centerville, Utah, as my true and lawful Attorney-in-Fact with full authority to act for me and on my behalf in all matters pertaining to Subcase Nos. 29-2175, 29-2177, 29-2178, and 29-2187 currently pending in the Snake River Basin Adjudication in the Fifth Judicial District Court, State of Idaho, in and for the County of Twin Falls, and in all matters pertaining to Water Right Nos. 29-2175, 29-2177, 29-2178, and 29-2187 before the Idaho Division of Water Resources, including, but not limited to, settling all of my objections pertaining to said water rights and subcases.

All persons dealing with my Attorney-in-Fact shall rely on a photostatic copy hereof without requiring the production of the original document and no such persons shall have any duty to inquire into the authority of my Attorney-in-Fact to take any action set forth herein. I hereby release and agree to indemnify any and all persons for actions taken in compliance with directions from my Attorney-in-Fact or for honoring any document executed by my Attorney-in-Fact or for any action taken in reliance thereon.

My Attorney-in-Fact appointed herein may exercise all of the above rights and powers effective the date of this Document and shall remain in full force and effect until the receipt by my Attorney-in-Fact of a written revocation signed by me or until such time as it is terminated by a judicial proceeding in which a guardian or receiver shall be appointed for me. This power of attorney shall in no way be affected or terminated by my incompetency, disability or incapacitation.

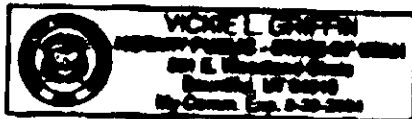
This power of attorney shall be governed by the laws of the State of Utah in all respects, including its validity, construction, interpretation, and termination. Should any provisions hereof be held to be invalid, such invalidity shall not affect the other provisions which shall remain in full force and effect.

DATED and effective this 20 day of April, 2004


Richard N. Hartvigsen

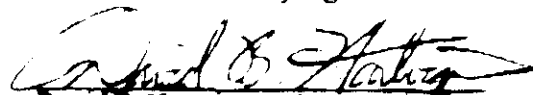
State of Utah)
 ss.
County of Davis)

On this 20 day of April, 2004, Richard N. Hartvigsen personally appeared before me and being duly sworn acknowledged to me that he executed the same for the purposes set forth therein.




Notary Public

I, **David B. Hartvigsen**, the above named Attorney-in-Fact, hereby sign this power of attorney acknowledging my acceptance thereof and for the purpose of identification of my signature.


David B. Hartvigsen, Attorney-in-Fact