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Names of Parties Filing Document:

UNITED STATES OF AMERICA

STATE OF IDAHO

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
 Assistant Attorney General
 Environment and Natural Resources
 Division

LAWRENCE G. WASDEN
 Attorney General

R. LEE LEININGER
 Trial Attorney
 United States Department of Justice
 Environment & Natural Resources Division
 General Litigation Section
 999 18th St. Suite 945
 Denver, CO 80202
 (303) 312-7322

J.
 DAVID A. BARBER
 Deputy Attorney General
 P.O. Box 44449
 Boise, Idaho 83711-4449
 Ph: (208) 334-2400

**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 Nos.: 74-11411, et al.^{1/}

Case No. 39576

**STIPULATION TO RESOLVE
 OBJECTIONS**

Descriptive Summary

This is the United States' and the State of Idaho's stipulation to resolve objections filed to the above referenced subcases.

^{1/}See attached Exhibit A for a list of the subcases subject to this Stipulation.

Stipulation

WHEREAS, the United States of America has filed claims in the Snake River Basin Adjudication ("SRBA") on behalf of the United States Bureau of Land Management (BLM) for water rights whose purpose of use is livestock watering (these claims are referred to as "BLM stock watering claims" in this agreement);

WHEREAS, the United States of America has asserted BLM stock watering claims in the SRBA based upon the state law of prior appropriation and, for certain springs and water holes, alternatively based on the federal reserved water rights doctrine in order to fulfill the purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107 ("PWR 107");

WHEREAS, Claimant, the United States of America, seeks to have partial decrees issued for these stockwater claims based solely upon PWR 107;

WHEREAS, Objector, the State of Idaho, has reviewed the Registrar of Actions pertaining to the lands subject to these claims for water rights, and finding no record of reports by federal inspectors which may create disputes of fact on the existence of springs or waterholes at the claimed locations on the date of the enactment of PWR 107, April 17, 1926;

WHEREAS, the United States and the State of Idaho (collectively the "Parties"), desire to avoid the costs, delay, and uncertainties of litigation and to resolve the controversies between them;

WHEREAS, The Parties agree that settlement of these objections in this manner is in the public interest and is an appropriate way to resolve the dispute between them;

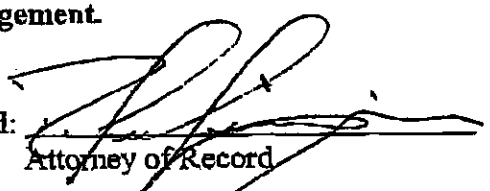
THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS

FOLLOWS:

1. The affidavits of Alan R. Bittner, filed on August 29, 2003 have established the *prima facie* case for these claims to water made pursuant to federal law, as required by I.C. § 42-1411A(12).
2. The elements of these water rights are accurately described in the abstracts of the claims contained in the Director's Reports for basin 74 and 75.
3. The *prima facie* case as established by Mr. Bittner's affidavit and as described in the abstracts for these water rights is un rebutted.
4. The Parties agree that these water right claims should be decreed as described in the abstracts and as claimed under federal law based upon PWR 107.
5. This stipulation was reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and the Parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This agreement does not create a precedent for settlement of any other disputes or objections in the Snake River Basin Adjudication or any other case or controversy.
6. The Parties agree to bear their own costs and attorneys' fees in connection with this matter.

CLAIMANT:

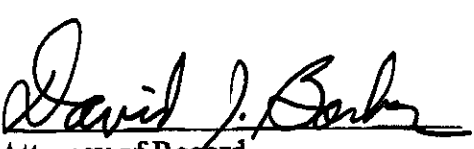
United States of America, acting on behalf
of the United States Bureau of Land
Management.

Signed: 

Attorney of Record

Dated: 7/2/04**OBJECTOR:**

State of Idaho, acting in its sovereign
and proprietary capacities.

Signed: 

Attorney of Record

Dated: 7/2/2004

Exhibit A**Subcase Nos.**

74-11411	74-14925
74-11413	74-11736
74-11457	75-11736
74-11493	75-11738
74-11519	75-11778
74-11525	75-12606
74-11527	75-12972
74-11541	75-12974
74-11719	75-12976
74-11723	75-12998
74-11978	75-13000
74-12088	75-13002
74-12090	75-13114
74-12106	75-13116
74-12536	75-13140
74-12666	75-13148
74-12668	75-13749
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