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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

) Subcase Number: 31-10245, 31-10740
)

Case No. 39576

) **ORDER APPROVING STIPULATION**
)
)
)

The United States of America, through the USDA Agricultural Research Service, ("United States") and James F. Hagenbarth, David J. Hagenbarth, and Margaret Hagenbarth (collectively, "Hagenbarths") have filed a Stipulation and Subordination Agreement ("Stipulation") to resolve the objections of the United States to the above-captioned water right claims. The United States and the Hagenbarths (collectively, "Parties") have also filed a Joint Motion for Order Approving Stipulation ("Joint Motion"). The Court, having fully considered the Joint Motion, ORDERS as follows:

1. The Stipulation is approved by the Court in all respects and shall govern these proceedings as among the parties to the Stipulation and among the parties to the SRBA.
2. The terms of the subordination provisions of the Stipulation should be incorporated into any partial and final decrees for the above-captioned water rights by including in any such decrees the following remark:

The priority for this water right is subordinated to the point of diversion located in the SWSE of Section 5 of T13N R40E of water right numbers 31-00080 and 31-00326, as described by the Stipulation and Subordination Agreement recorded on March 17 as Instrument No. 050002 in the offices of the Clark County Recorder.

3. If, for any reason, such remark is not included in the partial and final decrees for the above-captioned water rights, the Parties shall be restored to the litigation position they were in on the date of execution of the Stipulation and shall proceed with a determination of their water rights and objections under applicable law.

IT IS SO ORDERED.

DATED this _____ day of _____, 2003.

BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____, 2003, I served a true and correct copy of the foregoing **ORDER APPROVING STIPULATION** upon the following:

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