

for water rights whose purpose of use is livestock watering (these claims are referred to as "BLM stock watering claims" in this stipulation);

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, asserting that the right is needed to fulfill purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107 ("PWR 107");

WHEREAS, the United States of America and the State of Idaho entered into previous stipulations to change the priority date for the United States' BLM stock watering claims pursuant to state law to be the date of June 28, 1934, subject to certain exceptions that do not apply to the claims listed in Exhibit A; and

WHEREAS, the Parties agree that settlement of these objections in this manner is an appropriate way to resolve the dispute between them.

THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

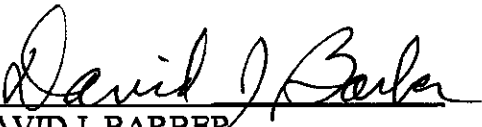
1. The State of Idaho withdraws its objections to those water rights designated in Exhibit A with the understanding that the United States agrees to change the priority date for the United States' BLM stock watering claims listed in Exhibit A, pursuant to state law to be the date of June 28, 1934.
2. The change in the priority date for the state-based portion of the United States' BLM stock watering claims listed in Exhibit A is not intended to affect in any way the election that the United States may make to proceed on the federal basis for a decree of the United States' BLM stock watering claims.

3. 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 stipulation does not create a precedent for settlement of any other disputes or objections in the SRBA or any other case or controversy. This stipulation shall not be construed as representing a position of the United States or the State of Idaho, factual or legal, for any case or controversy other than those subcases and controversies addressed in this stipulation. This stipulation shall not be used in any manner by, for or against the United States, State of Idaho, or any other person or entity in the SRBA or any other case or controversy other than those subcases and controversies addressed in this stipulation.
4. The Parties agree to bear their own costs and attorney's fees in connection with this matter.

**State of Idaho, acting in its
Sovereign and proprietary
capacities**

**LAWRENCE G. WASDEN
ATTORNEY GENERAL**

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


**DAVID J. BARBER
Deputy Attorney General
Natural Resources Division**

10/13/2004
Date

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

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


**R. LEE LEININGER
Attorney of Record
U.S. Department of Justice**

10/13/04
Date

CERTIFICATE OF SERVICE

I certify that on this 13th day of October, 2004, I mailed and/or faxed the original and copies of the **STIPULATION TO RESOLVE OBJECTIONS**, including all attachments, to the following persons by faxing and/or mailing the original and/or copies postage prepaid and addressed as follows by the methods indicated below:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

FACSIMILE
(208) 736-2121

2. Copies to:

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

STATEHOUSE MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL &
FACSIMILE
(202) 305-0274 (Brown)
(303) 312-7379 (Leininger)

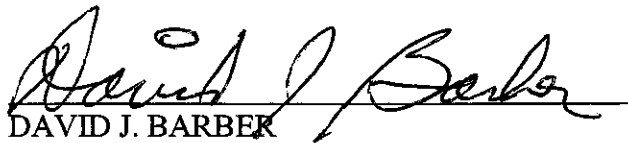

DAVID J. BARBER
Deputy Attorney General

EXHIBIT A

Subcase Nos.:

45-12477
45-12479
45-12481
45-12483
45-12497
45-12640
45-12693
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