

**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 No.: 36-15194B

**STIPULATION TO RESOLVE
OBJECTION**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

The parties and IDWR agree that the Special Master may enter a recommendation of this water right as described on the attached water right description. However, by so agreeing the parties do not waive their rights, and instead expressly reserve such rights, to challenge and appeal, in accordance with the procedures set forth in Administrative Order 1 of the SRBA Court and with the Idaho Appellate Rules, the Special Master's Order Granting Respondents' Motion for Partial Summary Judgment, entered March 26, 2001. To the extent that such Order may be overturned in whole or in part upon further review, the Special Master's recommendation shall be revised to the full extent necessary to bring it into conformance with any such final judicial determination.

STIPULATION TO RESOLVE OBJECTION

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-15194B
NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

THE BENEFICIAL USE OF THE WATER REPRESENTED HEREBY IS FOR THE LANDOWNERS WITHIN THE A & B IRRIGATION DISTRICT PURSUANT TO CONTRACT NO. 14-06-100-2386, DATED FEBRUARY 9, 1962 (AS MAY BE SUPPLEMENTED OR AMENDED) BETWEEN THE UNITED STATES OF AMERICA THROUGH THE U.S. BUREAU OF RECLAMATION AND THE A & B IRRIGATION DISTRICT FOR IRRIGATION AND OTHER PERMITTED PURPOSES AS AUTHORIZED BY THE ACT OF SEPTEMBER 30, 1950, CH. 1114, 64 STAT. 1083, OF THE NORTH SIDE PUMPING DIVISION, OF THE MINIDOKA IRRIGATION PROJECT.

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.510 CFS
609.60 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A COMBINED TOTAL DIVERSION RATE OF 1100 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 266,744.8 ACRE FEET IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-2080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B.

PRIORITY DATE: 04/01/1968

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

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- POINT OF DIVERSION:
- T07S R23E S34 NWSW Lot 99 Within MINIDOKA County
 - T07S R23E S34 NWSW Lot 99 Within MINIDOKA County
 - T07S R24E S22 NWSW Lot 96 Within MINIDOKA County
 - T07S R24E S22 NWNW Lot 98 Within MINIDOKA County
 - T07S R24E S22 NESESE Lot 97 Within MINIDOKA County
 - T07S R24E S23 NWSWNE Lot 99 Within MINIDOKA County
 - T07S R24E S26 NWSWNE Lot 99 Within MINIDOKA County
 - T07S R24E S26 NENWSW Lot 94 Within MINIDOKA County
 - T07S R24E S28 NWSWNE Lot 98 Within MINIDOKA County
 - T07S R24E S28 NWSWNE Lot 98 Within MINIDOKA County
 - T07S R24E S30 SWNWSE Lot 99 Within MINIDOKA County
 - T07S R24E S30 SWNWSE Lot 99 Within MINIDOKA County
 - T07S R24E S31 NWSWNE Lot 99 Within MINIDOKA County
 - T07S R24E S32 SWSWNE Lot 97 Within MINIDOKA County

IDAHO DEPARTMENT OF WATER RESOURCES
 RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R24E S32 SWSENE Lot 97 Within MINIDOKA County
 T07S R24E S33 SENWSE Lot 98 Within MINIDOKA County
 T07S R24E S33 SENWSE Lot 98 Within MINIDOKA County
 T07S R24E S34 SWSENW Lot 98 Within MINIDOKA County
 T07S R24E S35 SWSWSE Lot 98 Within MINIDOKA County
 T07S R24E S35 SWSWSE Lot 98 Within MINIDOKA County
 T07S R25E S27 NESESW Lot 99 Within MINIDOKA County
 T07S R25E S29 NENESW Lot 99 Within MINIDOKA County
 T07S R25E S30 NWNENE Lot 98 Within MINIDOKA County
 T07S R25E S31 NENESW Lot 96 Within MINIDOKA County
 T07S R25E S32 NWNESW Lot 96 Within MINIDOKA County
 T07S R25E S33 NESWNW Lot 99 Within MINIDOKA County
 T07S R25E S34 SENESW Lot 97 Within MINIDOKA County
 T08S R21E S22 NWNENE Lot 98 Within JEROME County
 T08S R21E S24 NWSENW Lot 97 Within JEROME County
 T08S R21E S26 NWSENE Lot 96 Within JEROME County
 T08S R21E S26 NWSENE Lot 96 Within JEROME County
 T08S R21E S35 SENENE Lot 93 Within JEROME County
 T08S R21E S35 SWSWSW Lot 99 Within JEROME County
 T08S R21E S35 SESESE Lot 97 Within JEROME County
 T08S R21E S35 SESESE Lot 97 Within JEROME County
 T08S R22E S30 SWNWSW Lot 96 Within MINIDOKA County
 T08S R22E S35 SWNWNE Lot 99 Within MINIDOKA County
 T08S R22E S35 SWSWSE Lot 98 Within MINIDOKA County
 T08S R22E S35 SWSWSE Lot 98 Within MINIDOKA County
 T08S R23E S1 NENWNE Lot 99 Within MINIDOKA County
 T08S R23E S1 NENWNE Lot 99 Within MINIDOKA County
 T08S R23E S1 SWSWSW Lot 94 Within MINIDOKA County
 T08S R23E S2 SENESW Lot 96 Within MINIDOKA County
 T08S R23E S4 SWSWSW Lot 95 Within MINIDOKA County
 T08S R23E S4 SWSWSW Lot 95 Within MINIDOKA County
 T08S R23E S5 NESENE Lot 93 Within MINIDOKA County
 T08S R23E S5 NESENE Lot 93 Within MINIDOKA County
 T08S R23E S8 NENESE Lot 97 Within MINIDOKA County
 T08S R23E S10 SWSENE Lot 92 Within MINIDOKA County
 T08S R23E S10 NESWSW Lot 96 Within MINIDOKA County
 T08S R23E S12 SWSWNE Lot 96 Within MINIDOKA County
 T08S R23E S12 SWSWNE Lot 96 Within MINIDOKA County
 T08S R23E S12 SESESW Lot 94 Within MINIDOKA County
 T08S R23E S12 SESESW Lot 94 Within MINIDOKA County
 T08S R23E S14 NWNWNW Lot 87 Within MINIDOKA County
 T08S R23E S14 NWNWNW Lot 87 Within MINIDOKA County
 T08S R23E S15 SENENW Lot 99 Within MINIDOKA County

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T08S R23E S15 SENENW Lot 99 Within MINIDOKA County
T08S R23E S15 SESESE Lot 94 Within MINIDOKA County
T08S R23E S17 NWNENW Lot 96 Within MINIDOKA County
T08S R23E S17 NESESE Lot 97 Within MINIDOKA County
T08S R23E S17 NESESE Lot 97 Within MINIDOKA County
T08S R23E S19 NWSWSE Lot 99 Within MINIDOKA County
T08S R23E S19 NWSWSE Lot 99 Within MINIDOKA County
T08S R23E S21 SWSENE Lot 99 Within MINIDOKA County
T08S R23E S22 SWSESW Lot 97 Within MINIDOKA County
T08S R23E S23 SWNWSW Lot 95 Within MINIDOKA County
T08S R23E S23 SWNWSW Lot 95 Within MINIDOKA County
T08S R23E S24 NENWNW Lot 98 Within MINIDOKA County
T08S R23E S24 NESESW Lot 95 Within MINIDOKA County
T08S R23E S24 NESESW Lot 95 Within MINIDOKA County
T08S R23E S25 NWSENW Lot 97 Within MINIDOKA County
T08S R23E S26 NWNWSE Lot 94 Within MINIDOKA County
T08S R23E S27 NENENE Lot 99 Within MINIDOKA County
T08S R23E S27 SWSENW Lot 98 Within MINIDOKA County
T08S R23E S27 SWSESW Lot 93 Within MINIDOKA County
T08S R23E S28 SWNESW Lot 95 Within MINIDOKA County
T08S R23E S28 NWSWSW Lot 93 Within MINIDOKA County
T08S R23E S28 NWSWSW Lot 93 Within MINIDOKA County
T08S R23E S29 SESENE Lot 91 Within MINIDOKA County
T08S R23E S29 SESENE Lot 91 Within MINIDOKA County
T08S R23E S31 SENESE Lot 95 Within MINIDOKA County
T08S R23E S34 NWSSEW Lot 97 Within MINIDOKA County
T08S R23E S35 SENWNW Lot 90 Within MINIDOKA County
T08S R23E S35 NESWSW Lot 96 Within MINIDOKA County
T08S R23E S35 SENWSE Lot 98 Within MINIDOKA County
T08S R23E S35 SESESE Lot 95 Within MINIDOKA County
T08S R24E S1 SESENE Lot 98 Within MINIDOKA County
T08S R24E S2 NWNESE Lot 93 Within MINIDOKA County
T08S R24E S3 SWSENE Lot 99 Within MINIDOKA County
T08S R24E S3 SWSENE Lot 99 Within MINIDOKA County
T08S R24E S4 SWSWNE Lot 97 Within MINIDOKA County
T08S R24E S4 NESWSW Lot 99 Within MINIDOKA County
T08S R24E S4 NESWSW Lot 99 Within MINIDOKA County
T08S R24E S6 SENENW Lot 94 Within MINIDOKA County
T08S R24E S6 NWNWSW Lot 98 Within MINIDOKA County
T08S R24E S6 SENESE Lot 91 Within MINIDOKA County
T08S R24E S7 NESENE Lot 95 Within MINIDOKA County
T08S R24E S8 NESENE Lot 97 Within MINIDOKA County
T08S R24E S10 NWSWNE Lot 98 Within MINIDOKA County

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IDAHO DEPARTMENT OF WATER RESOURCES
 RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW




T08S R24E S10 SWSWNW Lot 92 Within MINIDOKA County
 T08S R24E S10 SESESW Lot 95 Within MINIDOKA County
 T08S R24E S11 SWNENW Lot 98 Within MINIDOKA County
 T08S R24E S11 SWNENW Lot 98 Within MINIDOKA County
 T08S R24E S11 NWNWSE Lot 95 Within MINIDOKA County
 T08S R24E S12 NENWNE Lot 97 Within MINIDOKA County
 T08S R24E S13 NWNWNE Lot 90 Within MINIDOKA County
 T08S R24E S13 NWNWNE Lot 90 Within MINIDOKA County
 T08S R24E S14 SWSESW Lot 95 Within MINIDOKA County
 T08S R24E S15 SESWNW Lot 97 Within MINIDOKA County
 T08S R24E S18 NESWNW Lot 96 Within MINIDOKA County
 T08S R24E S21 NENWNE Lot 95 Within MINIDOKA County
 T08S R24E S21 NESWSW Lot 97 Within MINIDOKA County
 T08S R24E S22 SWNESE Lot 96 Within MINIDOKA County
 T08S R24E S23 SESESW Lot 95 Within MINIDOKA County
 T08S R24E S26 SESWNE Lot 98 Within MINIDOKA County
 T08S R24E S29 SENWSE Lot 93 Within MINIDOKA County
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 T08S R25E S11 NWSWSE Lot 93 Within MINIDOKA County
 T08S R25E S12 NWNWNW Lot 99 Within MINIDOKA County
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 T08S R25E S19 NENWNE Lot 90 Within MINIDOKA County
 T08S R25E S19 SESWNW Lot 94 Within MINIDOKA County
 T08S R25E S19 SESWNW Lot 94 Within MINIDOKA County
 T08S R25E S21 NESESW Lot 96 Within MINIDOKA County

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T08S R25E S23 NWNWNW Lot 91 Within MINIDOKA County
T08S R25E S23 NWNWNW Lot 91 Within MINIDOKA County
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T09S R21E S1 NWNESW Lot 99 Within JEROME County
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T09S R22E S3 NWESESE Lot 99 Within MINIDOKA County
T09S R22E S3 NWESESE Lot 99 Within MINIDOKA County
T09S R22E S7 SENENE Lot 97 Within MINIDOKA County
T09S R22E S7 NESENE Lot 97 Within MINIDOKA County
T09S R22E S9 SESWNW Lot 98 Within MINIDOKA County
T09S R22E S9 NENESW Lot 96 Within MINIDOKA County
T09S R22E S9 NENESW Lot 96 Within MINIDOKA County
T09S R22E S10 NESWNE Lot 99 Within MINIDOKA County
T09S R22E S11 NWNWNE Lot 94 Within MINIDOKA County
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T09S R22E S15 NESWNE Lot 97 Within MINIDOKA County
T09S R22E S15 SWSWNE Lot 99 Within MINIDOKA County
T09S R22E S18 NESWSE Lot 97 Within MINIDOKA County
T09S R22E S18 NESWSE Lot 97 Within MINIDOKA County
T09S R22E S19 NWSWNW Lot 99 Within MINIDOKA County
T09S R22E S22 SESWNE Lot 99 Within MINIDOKA County
T09S R22E S28 NESESE Lot 98 Within MINIDOKA County
T09S R22E S30 NWNENE Lot 91 Within MINIDOKA County
T09S R22E S33 SESESE Lot 98 Within MINIDOKA County
T09S R22E S33 SESESE Lot 98 Within MINIDOKA County
T09S R23E S2 NESENE Lot 96 Within MINIDOKA County
T09S R23E S3 NESENE Lot 95 Within MINIDOKA County
T09S R23E S3 NENWSW Lot 99 Within MINIDOKA County
T09S R23E S6 SESENE Lot 99 Within MINIDOKA County
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T10S R22E S3 SENWSW Lot 91 Within MINIDOKA County


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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

THE FOLLOWING CONVENTION IS USED TO CONVERT THE GOVERNMENT LOTS LISTED IN THE ABOVE POINTS OF DIVERSION TO THE OFFICIAL US GOVERNMENT TRACT DESIGNATION: LOT 99 = TRACT A, LOT 98 = TRACT B, LOT 97 = TRACT C, LOT 96 = TRACT D, LOT 95 = TRACT E, LOT 94 = TRACT F, LOT 93 = TRACT G, LOT 92 = TRACT H, LOT 91 = TRACT J, LOT 90 = TRACT K, LOT 89 = TRACT L, LOT 88 = TRACT M, LOT 87 = TRACT N, LOT 86 = TRACT O, LOT 85 = TRACT P, LOT 84 = TRACT Q, LOT 83 = TRACT R, LOT 82 = TRACT S.

THE FOLLOWING POINTS OF DIVERSION EACH HAVE TWO WELLS:
T07S, R23E, SEC 34, NWSESW - MINIDOKA. T07S, R24E, SEC 28, NWSWNE; SEC 30, SWNWSE; SEC 32, SWSENE; SEC 33, SENWSE; SEC 35, SWSWSE - MINIDOKA.
T08S, R21E, SEC 26, NWSENE; SEC 35, SESESE - JEROME. T08S, R22E, SEC 35, SWSWSE - MINIDOKA. T08S, R23E, SEC 01, NENWNE; SEC 04, SWSWSW; SEC 05, NESENE; SEC 12, SWSWNE; SEC 12, SESESW; SEC 14, NWNWNW; SEC 15, SENENW; SEC 17, NESESE; SEC 19, NWSWSE; SEC 23, SWNWSW; SEC 24, NESESW; SEC 28, NWSWSW; SEC 29, SESENE - MINIDOKA. T08S, R24E, SEC 03, SWSENE; SEC 04, NESWSW; SEC 11, SWNENW; SEC 13, NWNWNE; SEC 31, SWSESW - MINIDOKA. T08S, R25E, SEC 03, SENENW; SEC 03, NWNWNW; SEC 05, NWNENE; SEC 06, NESESE; SEC 12, NWNWNW; SEC 15, NWSWSW; SEC 19, NENWNE; SEC 19, SESWNW; SEC 23, NWNWNW - MINIDOKA. T09S, R22E, SEC 9, NENESW; SEC 18, NESWSE; SEC 33, SESENE - MINIDOKA.

THE FOLLOWING POINT OF DIVERSION HAS THREE WELLS:
T09S, R22E, SEC 03, NWSESE - MINIDOKA.

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PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.510 CFS 609.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 66,686.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-2080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B.

PLACE OF USE WITHIN THE BOUNDARY OF A & B IRRIGATION DISTRICT, PURSUANT TO SECTION 43-323, IDAHO CODE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 152.4 ACRES WITHIN THE A & B IRRIGATION DISTRICT BOUNDARY IN A SINGLE IRRIGATION SEASON.

06/13/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-2080 PURSUANT TO SECTION 42-1426, IDAHO CODE.

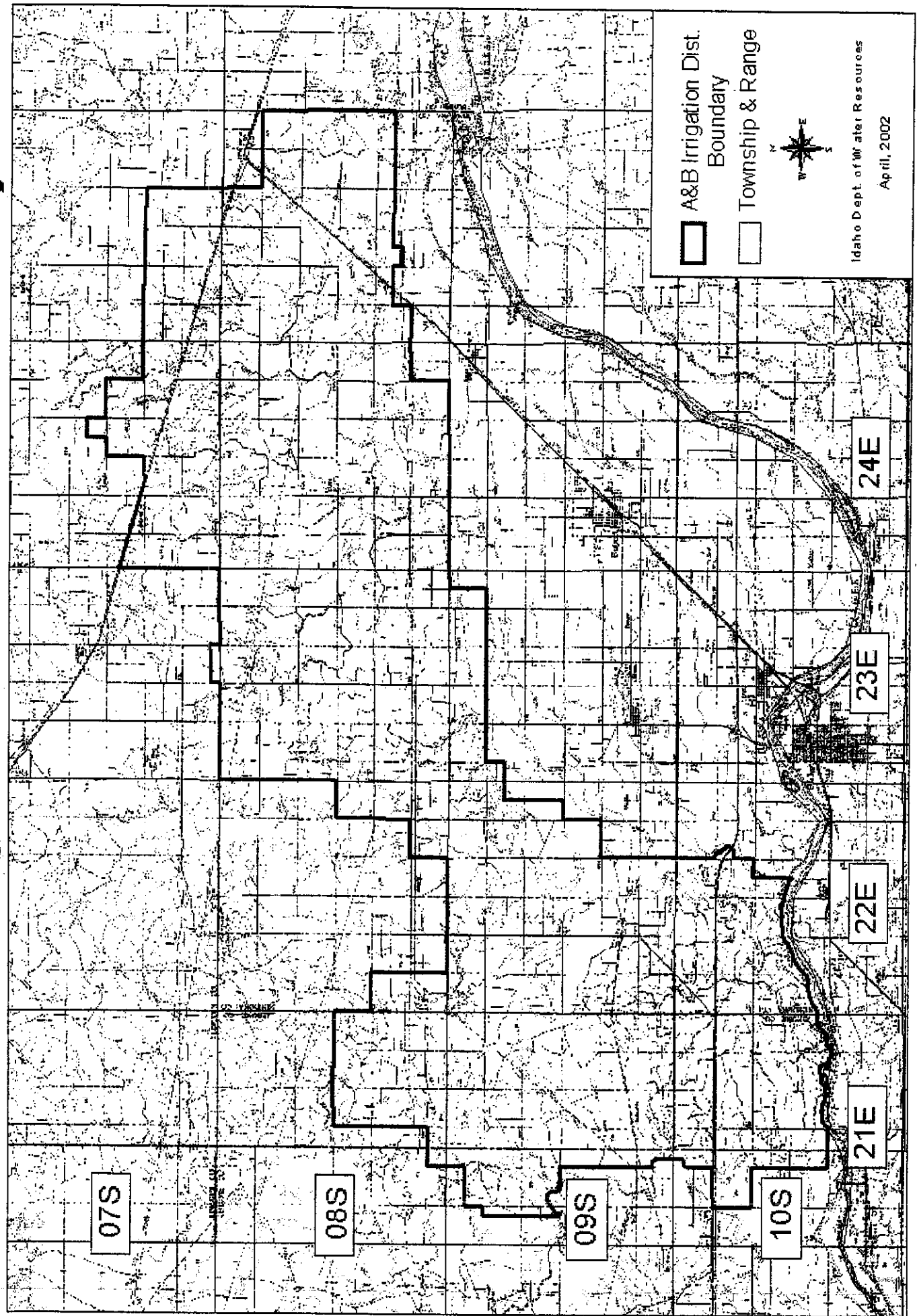
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RELIFT DRAIN PUMPS USED WITHIN THE BOUNDARY OF THE DISTRICT FOR REUSE OF RETURN FLOW.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-2080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B.


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A & B Irrigation District Boundary



CERTIFICATE OF SERVICE

I certify that on _____, 2002, I caused to be served true and correct copies of this Stipulation to Resolve Objection, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

2. Copies to:

Roger D. Ling
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, ID 83701-2720

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

U.S. Dept of Justice
Environment & Nat'l Resources
550 W. Fort St. MSC 033
Boise, ID 83724

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

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

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

Signature of person or attorney mailing the form