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Department of Water Resources

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DATE: March 25, 2003

TIME: 4:27pm MST

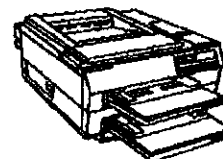
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* **RE: Multiple subcases, including 36-10090, 36-14807, 36-15152** *
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I have prepared the following STIPULATION RE MOTION TO ALTER OR AMEND AND STAY. If it meets with your approval, please sign on page 4 and return page 4 to me at your earliest opportunity so that I may file the Stipulation with the court. If you have any questions or comments, please call me immediately. Thank you.

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 Vernon/Marilyn Phillips, Jack/
 Kent Harman, Salmon Falls Land
 & Livestock Co., Inc.,
 Roost Potato Company, Inc.

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 Nos.
) 36-10033, 36-10035, 36-10037
) (Salmon Land & Livestock Co., Inc.),
) 36-10090 (Margaret and Sam Large),
) 36-10863A (Owyhee Ranches, Inc.),
) 36-11643 (W. H. and Velva Moller),
) 36-14807 (Vernon and Marilyn Phillips),
) 36-15152 (Roost Potato Co., Inc.),
) 36-15264A (Blaine and Deon Cook and
) Bruce and Rebecca Hunsaker),
) 36-15264B (Deon Cook and Rebecca
) Hunsaker), and 36-15356 [36-15356A]
) (Jack and Kent Harman)

STIPULATION RE
 MOTION TO ALTER OR AMEND AND STAY

COME NOW the parties in the above-referenced cases, by
 and through their undersigned attorneys of record, and stipulate as
 follows with respect to the Motions now pending before the Special
 Master:

1. Subcase No. 36-10090:

QUANTITY: should be 1.14 cfs

REMARK: "Use of this right with Right Nos. 36-02268A and
 36-02238B is limited to a total combined annual
 diversion rate of 4.49 cfs. Use of this right with

STIPULATION RE MOTION TO ALTER OR AMEND AND STAY - 1

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Right No. 36-02268A is limited to a total combined annual diversion rate of 1256 AF."

2. Subcase No. 36-14807:

PLACE OF USE: should be:

Irrigation

T08S R21E S24

Within Jerome County

SWNE 26.0

NESW 40.0

SESW 40.0

NESE 40.0

NWSE 40.0

SWSE 40.0

SESE 40.0

R22E S25

NENE 40.0

NWNE 40.0

SWNE 31.0

NENW 40.0

SENE 20.0

SENE 14.0

Within Minidoka County

R22E S30 LOT 1 (NWNW) 40.0

LOT 2 (SWNW) 35.0

LOT 3 (NWSW) 16.0

542.0 Acres Total

3. Right No. 36-15152:

This water right may be recommended as included in the *Special Master's Report and Recommendation* with the understanding that a transfer of place of use is now pending with the Idaho Department of Water Resources. Upon completion of the transfer, the place of use will be changed by the Idaho Department of Water Resources to reflect the new place of use.

4. It is further understood that the *Special Master's Report and Recommendation* dated January 10, 2003 was intended to include subordination language on each subcase. Without waiving any defense or right to further request that the Special Master alter or amend the *Report and Recommendation* dated January 10, 2003, remove the subordination language, or further challenge the validity of the subordination language, the parties mutually agree that the *Special Master's Report and Recommendation* dated January

STIPULATION RE MOTION TO ALTER OR AMEND AND STAY - 2

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1
2
3 10, 2003 may be corrected to include the subordination language to
4 coincide with the intent of the Special Master.

5 5. The parties further agree that their disputes in
6 these subcases with regard to subordination may or may not be
7 affected by a decision to be rendered on a matter now under
8 advisement with the Snake River Basin Adjudication District Court
9 in Subcase Nos. 36-02080, 36-15127B, 36-15193B, 36-15194B,
10 36-15195B, and 36-15196B (hereinafter collectively referred to as
11 the "A&B claims") and that it is in the interest of judicial
12 economy, as well as the interest of all parties, that the subcases
13 at issue herein be stayed pending the outcome of the A&B claims
14 referred to above. The parties agree that, upon issuance of an
15 opinion by the District Court in the A&B claims, a status confer-
16 ence will be scheduled to discuss future scheduling and lifting of
17 the stay in the subcases subject to this Stipulation.

18
19 DATED this 25th day of March, 2003.

20 LING & ROBINSON

21
22 By: 

23 Jason D. Walker
24 Attorneys for W. H. and Velva Moller,
25 Salmon Falls Land and Livestock Co., Inc.
26 Vernon and Marilyn Phillips
27 Roost Potato Company, Inc.
28 Jack Harman and Kent Harman

28 STIPULATION RE MOTION TO ALTER OR AMEND AND STAY - 3

1
2
3 DATED this ____ day of _____, 2003.

4 PARSONS, SMITH AND STONE, P.A.
5

6 By: _____

7 David A. Shirley
8 Attorneys for Owyhee Ranches, Inc.
9 Young and Young of Idaho
10 Ross Hunsaker
11 Bruce Hunsaker and Rebecca Hunsaker
12 Sam Large and Margaret Large
13 Blaine Cook and Deon Cook
14 Dale H. Klingler

15 DATED this ____ day of _____, 2003.

16 GIVENS PURSLEY, LLP
17

18 By: _____

19 Jeffrey C. Fereday
20 Attorneys for Ralph E. Breeding
21 Mack Neibaur
22 Tim Deeg
23 Magic Valley Ground Water Users
24 Aberdeen-American Falls Ground Water Dist.
25 Bingham Ground Water District

26 DATED this ____ day of _____, 2003.

27 IDAHO DEPARTMENT OF WATER RESOURCES
28

By: _____

Nicholas B. Spencer

29 STIPULATION RE MOTION TO ALTER OR AMEND AND STAY - 4

LING & ROBINSON

ATTORNEYS AT LAW

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