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Department of Water Resources

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Names of Parties Filing Document:

UNITED STATES OF AMERICA

ARLO P. AND BONITA T. LLOYD

Attorneys' Names and Addresses:

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**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 Numbers: 43-04132

)

) **STIPULATION TO RESOLVE**

) **OBJECTION AND MOTION TO**

Case No. 39576

) **DISMISS THE UNITED STATES AS A**

) **PARTY**

The United States of America and Arlo and Bonita Lloyd (hereinafter "Claimants") agree
and stipulate to resolve the United States Department of the Interior, Bureau of Land

Management's (hereinafter "BLM") objection filed in the above-captioned Subcase as follows:

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STIPULATION

1. The parties agree and stipulate that Claimants may hold title to Water Right Number 43-04132.
2. Claimants agree and stipulate to apply for a transfer pursuant to I.C. § 42-222 to move water being used on T.14S., R.25E., Section 17, NESE and SWSE, which describe public land¹, to Claimants' privately owned land. The BLM agrees to allow the water to be transferred off of public land. Claimants agree and stipulate to apply for said transfer within 10 days after this Stipulation is filed. Claimants agree and stipulate that Claimants shall not, under any circumstances, assume title to any places of use which describe public land. All costs incurred for seeking such transfer shall be borne by the Claimants.
3. Claimants agree and stipulate that any portion of the water right not successfully transferred off of public land upon completion of the transfer, shall be deemed forfeited. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water right should the Idaho Department of Water Resources not allow transfer of the water off of public land, and a portion of the water right is forfeited.
4. Claimants agree to immediately and forever cease the application of water to, and the agricultural use of, the public land described in paragraph 2, above.
5. The parties agree that any amended Director's Report recommendation, partial decree, or final decree for Water Right Number 43-04132 shall not contain public land places of use.

¹In this Stipulation to Resolve Objection, the term "public lands" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership" 43 U.S.C. § 1702(e).

6. The parties agree that nothing in this stipulation forecloses future administrative or judicial action by the United States in relief of, or as a consequence of, the unauthorized use of the federal public lands described as a place of use in Water Right Number 43-04132, including, but not limited to, actions for past rent, rehabilitation of used land, or trespass.

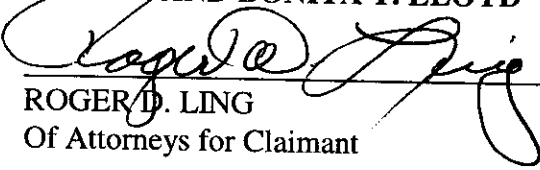
7. This Stipulation comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered and agreed upon, and the terms of this stipulation are contractual and not merely a recital.

8. This Stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. 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.

9. All parties agree to bear their own costs and attorney fees.

CLAIMANTS:

ARLO P. AND BONITA T. LLOYD

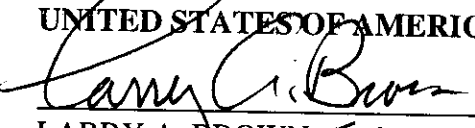

ROGER D. LING

Of Attorneys for Claimant

DATED: Feb 10, 2003

OBJECTOR:

UNITED STATES OF AMERICA


LARRY A. BROWN Fwp

Of Attorneys for the United States

DATED: 3/3/03

IDWR CONCURRENCE:

AS TO FORM:

Senior Water Agent

(Date)

Deputy Attorney General

(Date)

MOTION

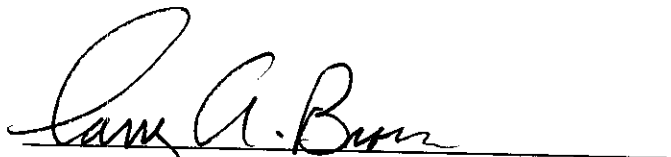
The United States of America, by and through the undersigned attorney, respectfully moves this Court for an Order dismissing the United States as a party to this subcase, without prejudice. The Stipulation filed herewith resolves the United States Department of the Interior, Bureau of Land Management's objection filed in this subcase. The Stipulation eliminates the need for the United States to participate as a party.

There appearing to be good cause, this Court should issue an Order dismissing the United States as a party, without prejudice.

DATED this 3rd day of March 2003.

Respectfully submitted:

UNITED STATES OF AMERICA



Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on March 3, 2003, I served a true and correct copy of foregoing **STIPULATION TO RESOLVE OBJECTION AND MOTION TO DISMISS THE UNITED STATES AS A PARTY: SUBCASE NUMBER 43-04132** upon the following individuals by placing the document in the United States Mail in Washington, D.C., postage paid, and addressed as follows:

Original to:

Clerk of the Court
Snake River Basin Adjudication Court
253 3rd Avenue North
Twin Falls, ID 83301

Copies to:

U.S. Department of Justice
General Litigation Section
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Signature of person serving document