

Names of Parties Serving Document:

UNITED STATES OF AMERICA

GRAND TETON COUNCIL, INC

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
United States Department of Justice
Assistant Attorney General
Environment and Natural Resources Division

DAVID L. NEGRI (ISB #6697)
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
Telephone: (208) 331-5942
Facsimile: (208) 387-0842

**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: 23-10272 and 23-10273
	)	
	)	
	)	STIPULATION TO RESOLVE
Case No. 39576	)	SUBCASES
_____	)	

DESCRIPTIVE SUMMARY

This document is the Stipulation to Resolve Subcases, filed by Grand Teton Council, Inc
("Council") and the United States of America ("United States") (collectively "Parties").

STIPULATION

WHEREAS, it is Forest Service policy to secure water rights in accordance with state law for water used at organization camps permitted on National Forest System (NFS) lands; and

WHEREAS, the Council holds a special use permit authorizing an organization camp on NFS land in the Caribou-Targhee National Forest in Section 1, T1S, R44E known as Camp Little Lemhi Boy Scout Camp ("Camp"); and

WHEREAS, the Council filed water right claim numbers 23-10272 and 23-10273 in the Snake River Basin Adjudication for use at the Camp on NFS land; and

WHEREAS, the United States filed objections to water right claim numbers 23-10272 and 23-10273 in accordance with federal policy; and

WHEREAS, the Parties recognize that organization camps authorized by the Forest Service are an important use of NFS land and that the continued availability and use of water at organization camps is in the best interest of the Parties; and

WHEREAS, the Parties wish to resolve the objections to the above referenced water right claims without litigation expense and delay.

THEREFORE, the Parties stipulate and agree and follows:

1. That the use of water at the permitted organization camp must be in accordance with applicable state law and federal policy.
2. That the Council holds a special use permit for an organization camp on the Caribou-Targhee National Forest known as Camp Little Lemhi.
3. That the United States is the owner of the land at the point of diversion and place of use associated with the Camp.

4. That the water rights for these water uses should be decreed to the United States.

5. The Parties agree that the special use permit for the Camp should be amended to provide that these water rights are for use at the Camp.

6. The Parties agree that they will execute and file Standard Form(s) 5 with the SRBA Court to conform the elements of water right claim numbers 23-10272 and 23-10273 to the provisions described in this Stipulation.

7. The Parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing in this Stipulation, or any offers or compromises made in the course of negotiating this Stipulation, shall be construed as admissions against interest or tendered or used as evidence to show the validity or invalidity of any water right claims made by the Parties, or as an admission or concession of wrongdoing or liability, or shall be used in any manner by any party in the SRBA in any future proceedings in the SRBA, in any appellate proceedings concerning the SRBA, or in any other proceeding, other than those seeking approval of this Stipulation by the SRBA Court, for interpretation or enforcement of this Stipulation, or for a purpose contemplated by Idaho Rule of Evidence 408.

8. The Parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing herein shall be construed as precedent in any other proceeding or context. Nothing in this Stipulation shall be construed to deprive any federal official of authority to revise, amend, or promulgate regulations. Nothing in this Stipulation shall be construed to commit any federal official to expend funds not appropriated by Congress.

9. This Stipulation was entered into and executed voluntarily by the Parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

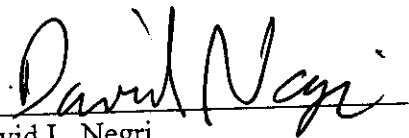
10. This Stipulation shall be binding on any and all successors, assigns, heirs, executors, and administrators of each of the Parties.

11. Each Party shall bear their own costs and attorney fees.

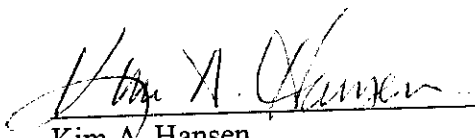
12. This Stipulation shall become effective upon execution by both of the Parties.

DATED this 1 day of November, 2004.

DATED this 29 day of October, 2004.


David L. Negri
United States Department of Justice

Attorney for the United States of America


Kim A. Hansen
Scout Executive
Grand Teton Council, Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1 day of ~~November~~ 2004, I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE SUBCASES**, by depositing a copy thereof in the U.S. mail, postage prepaid, or by other service where indicated, upon the following:

Original to:

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

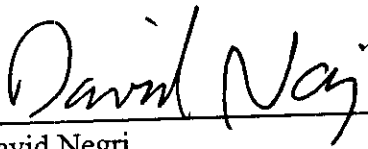
Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

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

Grand Teton Council, Inc
C/O Mark Nelson
574 4th Street
Idaho Falls, ID 83401



David Negri