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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
Department of Water Resources
Eastern Region
2002 NOV 18 PM 12 47

Names of Parties Filing Document:

UNITED STATES OF AMERICA

ESTATE OF L.R. AND VENICE HAWLEY
VANCE AND SUNNY HAWLEYAttorneys' 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: 33-10995 and 33-10996

Case No. 39576

)
) **STIPULATION TO RESOLVE**
) **OBJECTIONS AND JOINT MOTION**
) **TO DISMISS THE UNITED STATES AS**
) **A PARTY**

The United States of America, and the Estate of L.R. and Venice Hawley, Vance Hawley, and Sunny Hawley (hereinafter "Claimants"), agree and stipulate to resolve United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") objections to the above-captioned Subcases as follows:

PAGE 1 - **STIPULATION TO RESOLVE OBJECTIONS AND JOINT MOTION TO DISMISS THE
UNITED STATES AS A PARTY TO SUBCASES 33-10995 and 33-10996**

STIPULATION

1. The parties agree and stipulate to delete the following places of use, as identified and described in the Director's Report recommendation of Water Right Numbers 33-10995 and 33-10996 filed by Claimant:

T.06N., R.29E., Sec. 14 NWSW (3.4 acres)

T.06N., R.29E., Sec. 14 SESW (1.6 acres)

T.06N., R.29E., Sec. 15 SWNE (2.6 acres)

T.06N., R.29E., Sec. 15 SENE (1.6 acres)

The parties agree and stipulate that any amended Director's Report recommendation, partial decree, or final decree for the above-captioned Subcases shall not contain the above described places of use, or any other place of use that describes lands owned by the United States.

2. The Claimant agrees and stipulates to immediately and forever cease the application of water to, and the agricultural use of, the places of use upon land owned by the United States, unless agricultural use is authorized by a valid permit issued by the BLM.

3. 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 lands owned by the United States, including, but not limited to, actions for past rent, rehabilitation of used land, or trespass.

4. 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.

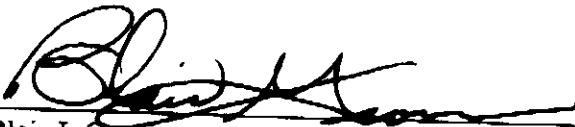
5. All parties agree to bear their own costs and attorney fees.

MOTION

The parties respectfully move this Court for an Order dismissing the BLM's objections and dismissing, without prejudice, the United States as a party to the above-captioned subcases. In support of this motion, the parties incorporate by this reference the above-recited Stipulation. The Stipulation resolves BLM's objections to Water Right Numbers 33-10995 and 33-10996 filed by Claimants and eliminates the need for the United States to participate as a party to the Subcases. A proposed Order is filed herewith

CLAIMANTS:

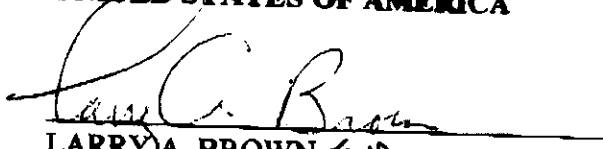
ESTATE OF L.R. AND VENICE HAWLEY
VANCE AND SUNNY HAWLEY


Blair J. Grover
Of Attorneys for the Claimants

DATED: 10/22/02

OBJECTOR:

UNITED STATES OF AMERICA


LARRY A. BROWN *LAW*
Of Attorneys for the United States

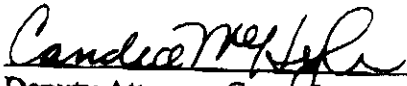
DATED: 10/9/02

IDWR CONCURRENCE:



Senior Water Agent
Idaho Department of Water Resources

DATED: November 14, 2002



Deputy Attorney General
Of Attorneys for the State of Idaho

DATED: 11/6/02

CERTIFICATE OF SERVICE

I certify that on _____, 2002, I served a true and correct copy of fore-going **STIPULATION TO RESOLVE OBJECTIONS AND JOINT MOTION TO DISMISS THE UNITED STATES AS A PARTY TO SUBCASES 33-10995 AND 33-10996, and PROPOSED ORDER** 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
253 3rd Avenue North
Twin Falls, Idaho 83301

Copies to:

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Environment and Natural Resources Division
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