

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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Department of Water Resources

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Attorneys for IDWR

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.: 65-3103

(uncontested overlaps: 65-02532A, 65-10749
65-01151, 65-01317, 65-10748, 65-11393A
65-02138, 65-10747, 65-02540, & 65-02869)

STIPULATION TO RESOLVE OBJECTION

DESCRIPTIVE SUMMARY

This is a stipulation by and between, the parties herein, George Dovel, DR & J Investments Ltd., and the Idaho Department of Water Resources (IDWR), to the resolution of the objection filed by George Dovel and response filed by DR & J Investments Ltd. as follows:

STIPULATION

In order to resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR), DR & J Investments Ltd., (claimant) by its attorney of record, Jack C. Riddlemoser, and George Dovel (the objector), hereby stipulate and agree that:

to George Dovel *DR* *JB* *DR*

1. DR & J Investments Ltd. will apply for a transfer of water in the amount of .04 cfs (2 inches of water) and reduce the total acres of the place of use by 1.5 acres for water right number: 65-3103.
2. George Dovel will withdraw and dismiss, with prejudice, his objection and future objections, to subcase no. 65-3103. Further, DR & J Investments Ltd.'s response shall be dismissed.
3. George Dovel will apply for a transfer to DR & J Investments Ltd. of .04 cfs and reduce the place of use for his water right number: 65-22327 by 1.5 acres.
4. George Dovel will install a device to limit the flow of Porter Creek to .04 cfs at the point of diversion for water right number: 65-22327, which point of diversion is described as: Township 07 North, Range 03 East, Section 07, SWNW quarter-quarter.
5. The parties agree that the above-referenced changes will be allowed so long as the change does not increase the total number of irrigated acres.
6. This stipulation and agreement herein is contingent upon the approval by IDWR of the transfer application. By signing this agreement, IDWR does not represent that the transfer will be approved.
7. This settlement and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.
8. This settlement and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

By:

Jack C. Riddlemoser
JACK C. RIDDLEMOSER

Attorney for DR & J Investments, Ltd.

Donald Riddlemoser

Dated:

10/22/02

By: George Dovel
GEORGE DOVEL

Dated: Oct. 22, 2002

IDWR Concurrence:

By: Garrick L. Baxter
GARRICK L. BAXTER
Deputy Attorney General for
IDWR

Dated: 10/22/02

By: Jan Shurte
~~RON HOWERTON~~ JAN SHURTE
~~Senior Water Right Agent~~ WATER RIGHTS
SUPERVISOR

Dated: 10-22-02

CERTIFICATE OF MAILING

I certify that on October 23, 2002, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

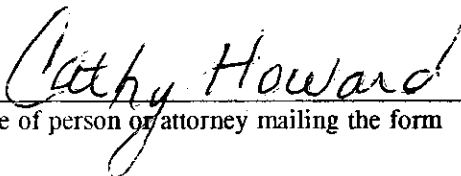
2. Copies to:

Jack C. Riddlemoser
712 East Fairview Avenue
Meridian, ID 83642

George Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629

DR & J Investments, Ltd.
8973 W. State St.
Boise, ID 83703-1729

US Dept of Justice (courtesy copy)
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form