

DISTRICT COURT-GRBA
TWIN FALLS CO., IDAHO
FILED

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**Consolidated Subcase No. 75-13316
Wild & Scenic Rivers Act Claims
(Encompassing Subcases 75-13316, 77-11941, 77-13844
78-11961, 81-10472, 81-10513 and 81-10625)**

Order Approving Stipulation and Entry of Partial Decrees

ORDER APPROVING STIPULATION AND ENTRY OF PARTIAL DECREES

SCANNED
NOV 17 2004

THE SRBA DISTRICT COURT NOW FINDS AS FOLLOWS:

The parties have satisfied the requirements of Chapter 14, Title 42, Idaho Code, including Section 42-1411A, the Idaho Rules of Civil Procedure and SRBA Administrative Order 1. The Stipulation is a fair and equitable settlement of all the United States' claims in the SRBA for federally designated Wild and Scenic Rivers. The Stipulation does not adversely affect the interests of persons not party to the Stipulation and good cause has been shown for granting the Joint Motion for Order Approving Stipulation and Entry of Partial Decrees.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

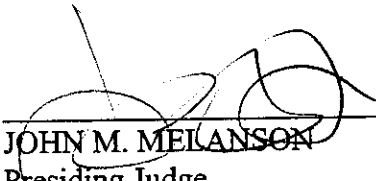
1. All terms of the Stipulation and the Partial Decrees for the United States' Wild and Scenic Rivers Act federal reserved water rights claims numbered 75-13316, 77-11941, 77-13844, 78-11961, 81-10472, 81-10513 and 81-10625, as attached to the Stipulation (the "Partial Decrees"), are hereby ratified, confirmed and approved.
2. The Court shall retain jurisdiction for the purpose of resolving disputes regarding the implementation and enforcement of the Stipulation and administration of the water rights confirmed by the Partial Decrees, including, but not limited to, the relationship between these federal water rights and other water rights and administration of the subordination provisions of the Partial Decrees.
3. Pursuant to Idaho Rule of Evidence 408, nothing in the Stipulation, including the stipulated entry of Partial Decrees for these claims and any affidavits or other evidence or pleading submitted or relied upon for approval of the Stipulation, or any offers or compromises made in the course of negotiating the Stipulation, shall be construed as admissions against interest or tendered or used as evidence to support or oppose any party's claims or objections in

the SRBA or in any other adjudication involving claims for the same or similar purposes, including the quantities of water claimed, or in any other 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 for interpretation, enforcement or administration of the Stipulation or the Partial Decrees or for a purpose contemplated by Rule 408. This Order is fully in accordance with Idaho Rule of Evidence 408, as well as the policy underlying that rule and the policy of the SRBA Court directed at furthering the strong public policy favoring out-of-court settlement of disputes over litigation.

4. The water rights adjudicated by the Partial Decrees are in full satisfaction of all the United States' claims in the SRBA for federally designated Wild and Scenic Rivers.

IT IS SO ORDERED.

DATED this 16th day of November, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER APPROVING STIPULATION AND ENTRY OF PARTIAL DECREES

Page 3
SCANNED
NOV 17 2004

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER APPROVING STIPULATION AND ENTRY OF PARTIAL DECREES was mailed on November 16, 2004, with sufficient first-class postage to the following:

ALBERT P. BARKER
JOHN K. SIMPSON
BARKER ROSHOLT & SIMPSON LLP
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139

TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE WEST, SUITE 303
TWIN FALLS, ID 83301-6167

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEFFREY C. FEREDAY
GIVENS PURSLEY LLP
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

ROGER D LING
LING, ROBINSON & WALKER
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

CHIEF, NATURAL RESOURCES DIV.
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

LAWRENCE (LAIRD) J. LUCAS
PO BOX 1612
BOISE, ID 83702

MERLYN W CLARK
PO BOX 1617
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JERRY R. RIGBY
RAY W. RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY
KAM & MOELLER, CHTD.
PO BOX 250
REXBURG, ID 83440-0250

DANIEL V. STEENSON
RINGERT, CLARK CHTD.
PO BOX 2773
BOISE, ID 83701-2773