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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 Nos. 65-02585, 65-03114,
	)	65-03115, 65-03116 and.
Case No. 39576	)	65-22587
	)	
	)	STIPULATION
	)	
	)	

COMES NOW Island Capitol, LLC, by and through its attorney of record, Dana L. Hofstetter, with the concurrence of the Idaho Department of Water Resources (IDWR), by and through its attorney of record, Chris M. Bromley, and hereby Stipulate that Island Capitol's Motion to Alter or Amend or Motion to Correct Partial Decree should be granted.

On November 2, 2004, this Court issued its partial decree in the above-entitled subcases. On November 15, 2004, Dana L. Hofstetter, in accordance with Idaho Rule of Civil Procedure 59(e), 60(a), and 60(b), moved this Court to Alter or Amend or Correct Partial Decrees. A basis for the motion was that the partially decreed digital boundary for the Roseberry Irrigation

District did not represent the most recently agreed upon boundary. The Department has reviewed the boundaries with Dana L. Hofstetter and agrees that the partially decreed digital boundary does not represent the agreed upon boundary. Therefore, the Department seeks to correct its error by submitting the correct digital boundary in CD-ROM format, along with an illustrative map depicting the correct place of use.

Island Capitol, LLC, together with the concurrence of the Idaho Department of Water Resources, hereby Stipulate that this Court's partial decree in the above-entitled subcases should be amended to include the agreed upon digital boundary.

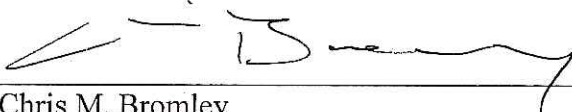
Dated this 18th day of January 2005.

By:


Dana L. Hofstetter
Attorney for Island Capitol, LLC

Dated this 18th day of January 2005.

By:


Chris M. Bromley
Deputy Attorney General for IDWR

CERTIFICATE OF MAILING

I certify that on January 20, 2005. 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:

United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

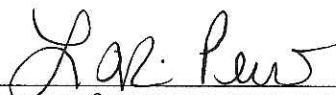
Charles F McDevitt
537 W Bannock, Suite 215
PO Box 2564
Boise, ID 83701-2564

Dana L. Hofstetter
608 West Franklin Street
Boise, ID 83702

State of Idaho
Natural Resources Division Chief
Attorney General's Office
PO Box 44449
Boise, ID 83711-4449

Joe Eld
2554 E Roseberry
McCall, ID 83638

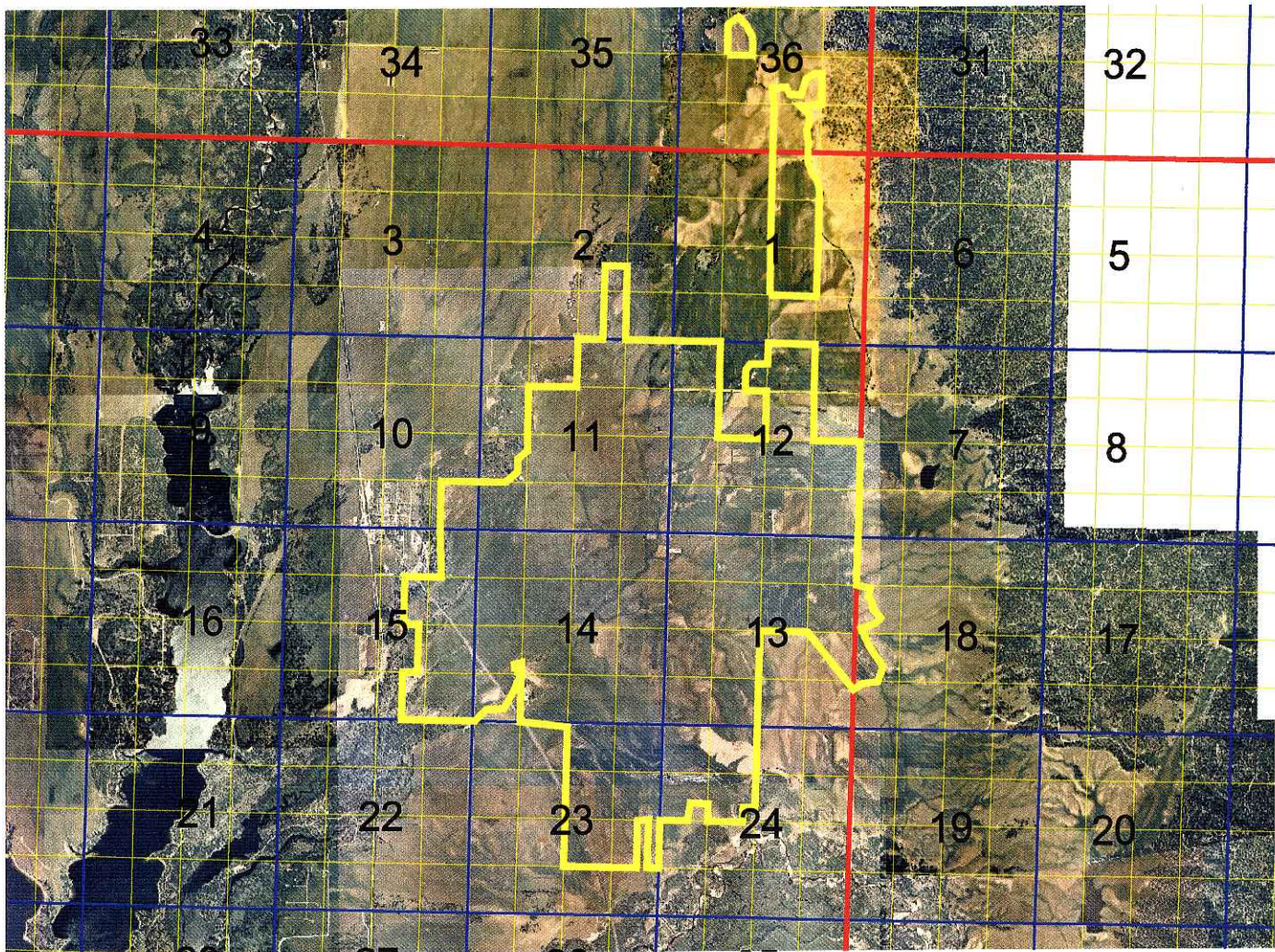
IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

Roseberry Irrigation District

65-2585 65-22587 65-3114
65-3115 65-3116



1 0 1 2 Miles

-  Roseberry Irr Dist Boundary
-  Township/Range
-  Sections
-  Quarter Quarters

