

Department of Water Resources

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water right for an administrative site within the Grays Lake National Wildlife Refuge.

B. The United States has submitted notice of claim no. 25-13738 for stockwater storage on the Grays Lake National Wildlife Refuge.

C. The State filed objections to both of these notices of claim.

D. The State and United States have mutually agreed to resolve these objections.

IN WITNESS WHEREOF THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. A Standard Form 5 for Notice of Claim no. 25-13715, as set forth in Attachment I, shall be executed and filed with the Snake River Basin Adjudication District Court, hereinafter the "SRBA District Court."

2. A Standard Form 5 for Notice of Claim no. 25-13738, as set forth in Attachment II, shall be executed and filed with the SRBA District Court.

3. This Stipulation represents a settlement of federal reserved water right claims of the United States that are unique to the Grays Lake National Wildlife Refuge. The parties are unable to agree on whether the reserved water rights doctrine extends to ground water. In order to avoid litigation, however, this Stipulation recognizes federal reserved water rights to groundwater for the United States as described in the Standard Form 5. Because this Stipulation is a resolution of a disputed claim, it is not and shall not be used as precedent for any other federal reserved water right claim.

4. This Agreement has been reached in the process of 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.

5. Entry of judgment as set forth in the Standard Form 5 has been consented to by

the parties without trial or adjudication of fact or law herein and without the judgment constituting evidence or an admission by any party, with respect to any issue.

6. Nothing in this Stipulation shall be construed to deprive any federal or state official of authority to revise, amend, or promulgate regulations. Nothing in this Stipulation shall be construed to commit any federal or state official to expend funds not appropriated by Congress or the Legislature.

7. Each party is to bear its own costs and fees in this matter.

WHEREFORE, the Parties request as follows:

1. That the SRBA District Court enter partial decrees in conformance with the Standard Forms 5 attached as Attachments I and II.

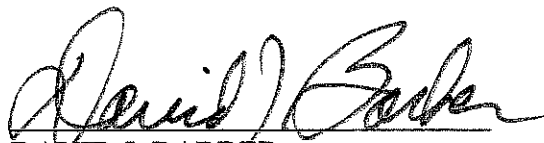
2. That the SRBA District Court grant such other appropriate relief that the SRBA District Court deems proper.

RESPECTFULLY SUBMITTED this 7 day of November 2005.

STATE OF IDAHO
LAWRENCE G. WASDEN
ATTORNEY GENERAL

KELLY A. JOHNSON
Acting Assistant Attorney General

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION


DAVID J. BARBER
Deputy Attorney General
Natural Resources Division


JAMES J. DUBOIS
United States Department of Justice

CERTIFICATE OF SERVICE

I certify that on this 8th day of November 2005, I caused to be served the original and/or copy of the STIPULATION TO RESOLVE OBJECTIONS on each person on the Court Certificate of Mailing for Expedited Hearings by U.S. Mail, postage prepaid, and on the following persons by the indicated method:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 736-2121
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
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Not Applicable



DAVID J. BARBER
Deputy Attorney General