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DEPARTMENT OF
WATER RESOURCES

Names of Parties Serving Document:

UNITED STATES OF AMERICA

EARL WARTHEN

Attorneys' 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: 45-04114 and 45-13795

)

Case No. 39576

) **STIPULATION TO RESOLVE**
) **OBJECTIONS**

)

)

)

The United States of America, by and through the US Department of Agriculture, Forest Service ("United States"), and Earl Warthen (collectively, "Parties"), by and through their respective undersigned counsel, hereby stipulate and agree as follows as to the above captioned water right numbers.

SUBCASE NUMBERS 45-04114 AND 45-13795 – STIPULATION TO RESOLVE OBJECTIONS

1. WITHDRAWAL OF OBJECTIONS BY EARL WARTHEN. Earl Warthen agrees to dismiss with prejudice his objections to water right claim numbers 45-04114 and 45-13795. The Parties agree and stipulate that the elements of each water right listed should be decreed as recommended by the Director of the Idaho Department of Water Resources ("IDWR") in the Directors Report filed September 7, 2004, with the Snake River Basin Adjudication Court.

2. WITHDRAWAL OF APPLICATION FOR WATER RIGHT TRANSFER NO. 66616. The United States will dismiss with prejudice its application for transfer number 66616, also known as transfer number 5194, filed with IDWR January 15, 1998, involving water right claim number 45-04114.

3. CONFORMING DOCUMENTS. The Parties agree that they will execute and file any necessary documents with the SRBA Court and IDWR to conform to the provisions described in this Stipulation.

4. STIPULATION NOT TO BE USED AGAINST THE PARTIES. The Parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing in this Stipulation, or any offers or compromises made in the course of negotiating this Stipulation, shall be construed as admissions against interest or tendered or used as evidence to show the validity or invalidity of any water right claims made by the Parties, or as an admission or concession of wrongdoing or liability, or shall be used in any 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 seeking approval of this Stipulation by the SRBA Court, for

interpretation or enforcement of this Stipulation, or for a purpose contemplated by Idaho Rule of Evidence 408.

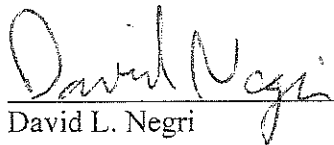
5. VOLUNTARY EXECUTION. This Stipulation was entered into and executed voluntarily by the Parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

6. BINDING EFFECT. This Stipulation shall be binding on any and all successors, assigns, heirs, executors, and administrators of each of the Parties.

7. COSTS AND ATTORNEY FEES. Each Party shall bear their own costs and attorney fees.

8. EFFECTIVE DATE. This Stipulation shall become effective upon execution by all of the Parties.

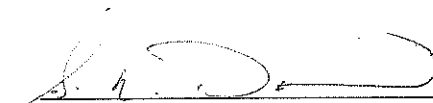
DATED this 16 day of June, 2006.



David L. Negri
United States Department of Justice

Attorney for the United States of America

DATED this 14th day of June, 2006.



Shelley M. Davis
Barker, Rosholt & Simpson LLP

Attorney for Earl Warthen

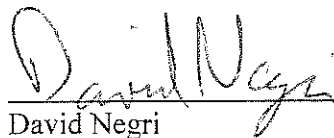
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of June, 2006, I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE SUBCASES**, by depositing a copy thereof in the U.S. mail, postage prepaid, or by other service where indicated, upon the following:

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David Negri