

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 No. 27-4H
)
)
)

Case No. 39576

) **STIPULATION TO RESOLVE**
)

) **OBJECTION**
)
_____)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The Claimant/Objector and IDWR agree and stipulate to the elements as changed in the attached document as indicated in underline/strikeout format.

The Claimant and IDWR acknowledge that there still remain outstanding objections by the Shoshone-Bannock Tribes and the United States Bureau of Indian Affairs and any responses thereto by the State of Idaho and other parties.

The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

John D. Hartzman 7-26-06
Date

Sharon Hartzman 07-26-06
Date

OBJECTORS:

Jeanette Wolfley 7/26/2006
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

Peter Monson 7/26/2006
Peter Monson, USDOJ Date
Attorney for BIA

RESPONDENT:

David J. Barber 7/26/2006
David J. Barber Date

IDWR CONCURRENCE:

Ernest Carlsen 7-26-06
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/26/06
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 27-4H

NAME AND ADDRESS: JOHN B HEINTZELMAN
485 W RIVERTON RD
BLACKFOOT ID 83221

STACIE D HEINTZELMAN
485 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION: T03S R35E S8 SWSENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.200 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R35E S08 NESW 0.7 T03S R35E S08 Lot 6 SESW

7-2 9.7

7-9 10.4 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH ~~CENTRAL~~ STEVENS DITCH.

Stipulation to Resolve Objection

CERTIFICATE OF MAILING

I certify that on July 27, 2006, 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
PO Box 2707
Twin Falls, ID 83303-2707

Hand-Delivered

2. Copies to:

John B. Heintzelman
Stacie D. Heintaelman
485 W. Riverton Rd.
Blackfoot, ID 83221

Shoshone-Bannock Tribes
Represented by Jeanette Wofley
202 N. Arthur
Pocatello, ID 83204

State of Idaho
Represented by David J. Barber
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 0333
Boise, ID 83724

IDWR Repository
PO Box 83720
Boise, ID 83720



Signature of person mailing the form