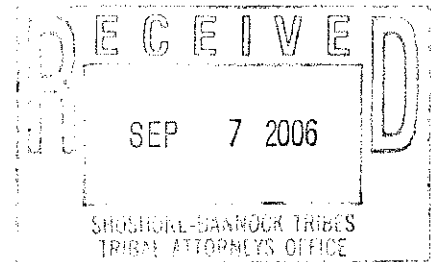


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SEP 21 2006
DEPARTMENT OF
WATER RESOURCES



**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

Case No. 39576

Sub Case Nos.: 27-4086, 27-4087,
27-4088, 27-4106, 27-4154, 27-4165,
27-7329, 27-7384, and 27-11076

**STIPULATION TO RESOLVE
OBJECTIONS AND NOTICE OF
WITHDRAWAL OF OBJECTIONS BY
SHOSHONE-BANNOCK TRIBES**

The Shoshone-Bannock Tribes ("Tribes"), the City of Blackfoot ("City"), and the State of Idaho ("Idaho") (collectively, the "Signatories") do hereby agree and stipulate as follows:

I. BACKGROUND

1. The Tribes have filed objections to the City's water rights in each of the above-captioned subcases (the "Water Rights").
2. The Tribes' objections were based on two issues. The first concerned the lack of an annual volumetric limitation on the City's water rights. The second concerned the place of use of the City's water rights. The Tribes' concerns have been addressed and resolved by this Stipulation as described below.

II. ANNUAL VOLUMETRIC LIMITS

3. The City has agreed to enter into "Standard Form 5 – Stipulated Elements of a Water Right" with the Idaho Department of Water Resources imposing an annual volumetric limit on each of the Water Rights. The volumetric limit for each right shall equal the volume produced if the right is operated 24 hours per day for 365 days.

III. PLACE OF USE

4. The Signatories hereby stipulate and agree that nothing in the Water Rights shall be construed or interpreted to establish any water rights or other claims by the City of Blackfoot based on appurtenancy of such rights or claims to lands located within the exterior boundaries of the Fort Hall Reservation (the "Reservation"). Nor does the place of use for the Water Rights have any bearing on the jurisdictional boundaries of the City of Blackfoot or the Reservation. Nor shall the Water Rights be construed or interpreted to impair, impede, or otherwise affect the jurisdiction of the Shoshone-Bannock Tribes on the Reservation.

5. Nothing in this Stipulation precludes the City of Blackfoot from extending service to or providing municipal water under these Water Rights to customers within the exterior boundaries of the Reservation. Nothing in this Stipulation creates any obligation on the part of the City to extend service to or provide municipal water to customers within the exterior boundaries of the Reservation.

IV. ~~OTHER~~ GENERAL PROVISIONS

6. The Signatories agree that this Stipulation is binding upon them and precludes them from taking a contrary position with respect to these Water Rights in this or any other proceeding.

7. This Stipulation does not create a precedent for settlement of other disputes or objections.

8. This Stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes.

9. All Signatories agree to bear their own costs and attorney fees.

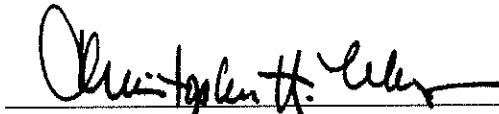
V. WITHDRAWAL OF OBJECTIONS

10. In reliance upon this Stipulation, the Tribes hereby withdraws their objections to each of the Water Rights.

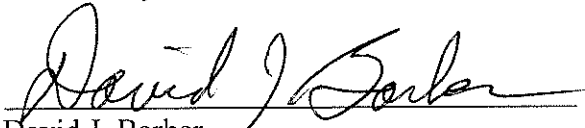
DATED this 19th day of September 2006.



Jeanette Wolfley
Attorney
For the Shoshone-Bannock Tribes



Christopher H. Meyer
Attorney
For the City of Blackfoot



David J. Barber
Deputy Attorney General
For the State of Idaho

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th of September 2006, the foregoing was filed, served, or copied as follows:

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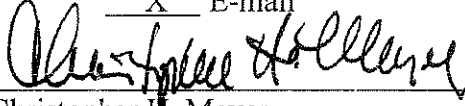
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