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Attorneys for City of Pocatello

**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. 29-00271, et al. (see attached Exhibit A)
	)	
	)	PARTIES' STIPULATION REGARDING
Case No. 39576	)	IDAHO CODE § 42-1425 REMAND
	)	

The City of Pocatello, the State of Idaho, the American Falls Reservoir
District #2, A & B Irrigation District, Burley Irrigation District, Milner Irrigation District,
Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company list the
following facts regarding the 38 subcases listed in Exhibit A.

1. The 38 subcases are set for trial beginning February 26, 2007. **Eighth Amended Trial Scheduling Order** (November 21, 2006).
2. January 18, 2007, the Court requested Pocatello to provide a list of the specific subcases subject to remand to the Idaho Department of Water Resources (IDWR)

pursuant to Idaho Code § 42-1425, in accordance with the Court's **August 18, 2006 Order on Summary Judgment**.

3. Pocatello's list identified 24 of the 38 subcases as subject to the remand to IDWR. **Pocatello's SRBA Claims Subject To I.C. § 42-1425 Remand Per August 18, 2006 Order On Summary Judgment** (dated January 19, 2007 and filed in each of the 38 subcases).

4. IDWR scheduled an Idaho Code § 42-1425 remand for all 38 subcases to begin January 29, 2006. **IDWR's January 19, 2006 Notice of Fact-Finding Hearing** (attached).

5. During the pre-trial conference on January 24, 2006, following discussion with IDWR and the parties who were present, the court stated its conclusion that the remand in the **August 18, 2006 Order on Summary Judgment** applied to every subcase in Exhibit A that has an Idaho Code § 42-1425 accomplished transfer element.

6. IDWR will file a *Supplemental 706 Report* with the SRBA court on or before February 9, 2007.

Based on the foregoing facts, and in order to allow all Idaho Code §42-1425 issues to proceed to trial, the City of Pocatello, the State of Idaho, the American Falls Reservoir District #2, A & B Irrigation District, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company stipulate as follows:

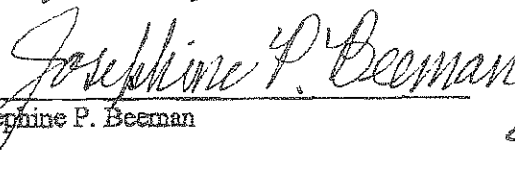
1. For purposes of these 38 subcases only, if Idaho Code § 42-1425 imposes the requirement of remand from this Court for a hearing at IDWR, the parties waive any and all objections to the hearing, or lack thereof, required by Idaho Code § 42-1425 (2)(a) and all

parties stipulate that the hearing, or lack thereof, may not be raised as an issue seeking review or appeal from the trial in this action.

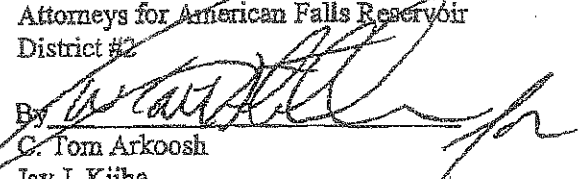
2. The determination of Idaho Code § 42-1425 issues will proceed in accordance with the existing trial schedule and the record before the court.

Respectfully submitted this 26th day of January 2007.

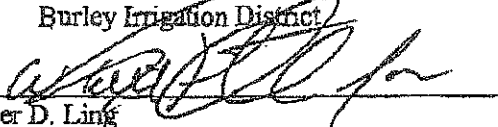
BEEMAN & ASSOCIATES, P.C.
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By 
Josephine P. Beeman

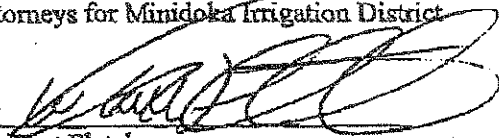
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District #2

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Deputy Attorney General
Chief, Natural Resources Division

David J. Barber
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of January 2007, I caused a copy of the foregoing document to be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Josephine P. Beeman
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EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-02274
29-02338
29-02354
29-02382
29-02401
29-02499
29-04221
29-04222
29-04223
29-04224
29-04225
29-04226
29-07106
29-07118
29-07119
29-07222
29-07322
29-07375
29-07431
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