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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	)	SUBCASE NO: 37-1175
	)	
	)	STIPULATION TO RESOLVE
Case No. 39576	)	OBJECTION
	)	
	)	
_____	)	

This form is used to report the stipulated elements of one water right acquired under state law. 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 whether 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; and 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 (Justice Ditch), the objectors (Gary and Helen DeMoss) and IDWR agree and stipulate that this **stipulation resolves the objection by Gary and Helen DeMoss to 37-1175.**

The following remark will be included with the priority date element for Gary and Helen DeMoss's water rights 37-856, 37-2778, 37-2780, and 37-7754:

Pursuant to a call in times of scarcity, the diversion to storage from November 1 to March 31 is not subject to curtailment by **Water Right No. 37-1175.**

The parties realize that the remark on the four DeMoss rights that subordinates 37-1175 may be expanded to include the subordination of other water rights, prior to the entry of the Special Masters Report and Recommendation for 37-856, 37-2778, 37-2780, and 37-7754.

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

CLAIMANT:

Frank C. Erwin 9-18-07
Frank C. Erwin Date
Justice Ditch Co.

CLAIMANT:

Peggy Erwin 9-18-07
Peggy Erwin Date
Justice Ditch Co.

CLAIMANT

Tom Anderson 9-18-07
Tom Anderson Date
Justice Ditch Co.

CLAIMANT

Michael Vos 9-18-07
Michael Vos Date
Justice Ditch Co.

CLAIMANT:

Susan Vos 9-18-07
Susan Vos Date
Justice Ditch Co.

OBJECTOR:

By Josephine P. Beeman 12 Sep 2007
Josephine P. Beeman Date
Beeman & Associates, P.C.
Attorneys for Gary A. & Helen DeMoss

CLAIMANT:

By David J. Barber 9/26/2007
David J. Barber Date
Deputy Attorney General, State of Idaho
Department of Parks & Recreation
Justice Ditch Co.

IDWR CONCURRENCE:

Carter Fritschle 9-26-07
Carter Fritschle Date
Adjudication Supervisor, IDWR

Nicholas Spencer 9-26-07
Nicholas Spencer Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on September 28, 2007, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

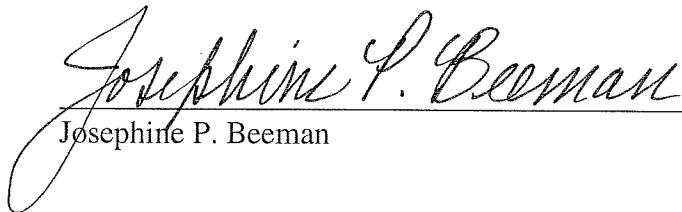
David J. Barber
Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Justice Ditch Co.
c/o Frank Erwin
711 East Avenue North
Hagerman, Idaho 83332

Michael and Susan Vos
P. O. Box 36
Bliss, ID 83314

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Tom Anderson
2399 S 1100 E
Hagerman, ID 83332


Josephine P. Beeman

12/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1175
NAME AND ADDRESS: JUSTICE DITCH CO
C/O FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 3.340 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 04/01/1906

POINT OF DIVERSION:

T06S R14E S30 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S35	NENE	15.00	T06S R13E S35	SWNE	25.00
T06S R13E S35	SENE	40.00	T06S R13E S35	SENE	14.00
T06S R13E S35	NESW	23.00	T06S R13E S35	NESE	40.00
T06S R13E S35	NWSE	40.00	T06S R13E S35	SWSE	33.00
T06S R13E S35	SESE	40.00	T06S R13E S36	NENE	11.00
T06S R13E S36	NWNE	7.80	T06S R13E S36	NENW	19.00
T06S R13E S36	NWNW	20.00	T06S R13E S36	SWSW	17.00
T07S R13E S01 Lot 2 SWNE		33.00	T07S R13E S01 Lot 1 SENE		33.00

STOCKWATER same as IRRIGATION

410.8 ACRES TOTAL

Right nos. 37-1160, 37-1175 and 37-4091 are limited to the irrigation of a combined total of 410.8 acres in a single irrigation season.

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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Handwritten signatures and initials:
JPB
TA
ML
Jr
D/B
CA
NBS