

UNITED STATES OF AMERICA

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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 Nos.: 45-12495 et. al.
See Exhibit A

Case No. 39576

STIPULATION TO RESOLVE OBJECTIONS

STIPULATION

WHEREAS, the United States of America has filed claims in the Snake River Basin Adjudication (“SRBA”) on Behalf of the United States Bureau of Land Management (“BLM”)

for water rights whose purpose of use is livestock watering (these claims are referred to as “BLM stock watering claims” in this stipulation);

WHEREAS, the United States of America has asserted BLM stock watering claims in the SRBA based upon the state law of prior appropriation and for certain springs and water holes, alternatively based on the federal reserved water rights doctrine, asserting that the right is needed to fulfill purposes of Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107 (“PWR 107”);

WHEREAS, the United States of America and the State of Idaho entered into previous stipulations to change the priority date for the United States’ BLM stock watering claims pursuant to state law to be the date of June 28, 1934, subject to certain exceptions that do not apply to the claims listed in Exhibit A; and

WHEREAS, the Parties agree that settlement of these objections in this manner is an appropriate way to resolve the dispute between them.

THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

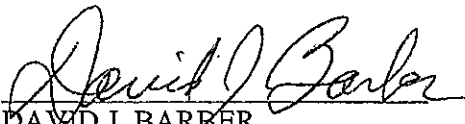
1. The State of Idaho withdraws its objections to those water rights designated in Exhibit A with the understanding that the United States agrees to change the priority date for the United States’ BLM stock watering claims listed in Exhibit A, pursuant to state law to be the date of June 28, 1934.
2. The change in the priority date for the state-based portion of the United States’ BLM stock watering claims listed in Exhibit A is not intended to affect in any way the election that the United States may make to proceed on the federal basis for a decree of the United States’ BLM stock watering claims.

3. This stipulation was reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and the Parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This stipulation does not create a precedent for settlement of any other disputes or objections in the SRBA or any other case or controversy. This stipulation shall not be construed as representing a position of the United States or the State of Idaho, factual or legal, for any case or controversy other than those subcases and controversies addressed in this stipulation. This stipulation shall not be used in any manner by, for or against the United States, State of Idaho, or any other person or entity in the SRBA or any other case or controversy other than those subcases and controversies addressed in this stipulation.
4. The Parties agree to bear their own costs and attorney's fees in connection with this matter.

**State of Idaho, acting in its
Sovereign and proprietary
capacities**

LAWRENCE G. WASDEN
Attorney General

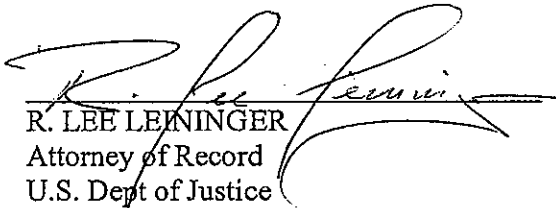
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

4/4/2008
Date

**United States of America, Acting on behalf
of the United States Bureau of Land
Management**

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural
Resources Division


R. LEE LEININGER
Attorney of Record
U.S. Dept of Justice

4-18-08
Date

CERTIFICATE OF SERVICE

I certify that on April 21, 2008, I mailed the original and copies of the **STIPULATION TO RESOLVE OBJECTIONS**, including all attachments, 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:

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

Norman M. Semanko
1010 W. Jefferson St., Suite 101
Boise, ID 83702

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

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

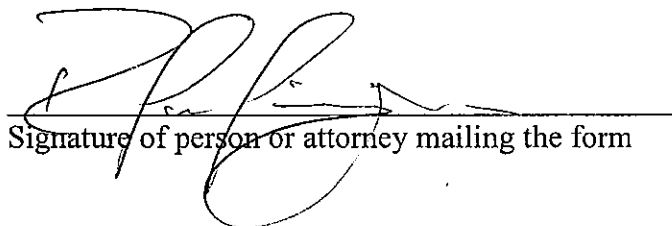

Signature of person or attorney mailing the form

EXHIBIT A

Subcase Nos.:

45-12495
45-12499
45-12515
45-12527
45-12615
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U.S. Department of Justice

Environment and Natural Resources Division

RLL:DAJ
90-6-2-63c

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RECEIVED

APR 25 2008

DEPARTMENT OF
WATER RESOURCES

April 21, 2008

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

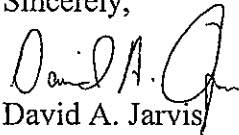
Re: SRBA Case No. 39576
Subcase Nos. 45-12495, *et al.*

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following original document and twenty-three (23) file copies:

1. **STIPULATION TO RESOLVE OBJECTIONS**

Sincerely,


David A. Jarvis
Paralegal

Enclosures