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TWIN FALLS CO., IDAHO
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WATER RESOURCES
WESTERN REGION

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.: 65-22616 and 65-22617
	)	
	)	STIPULATION FOR BASIN 65 GENERAL
	)	PROVISION NO. 3 (SEPARATE STREAMS),
Case No. 39576	)	ADDITION OF TWO WATER RIGHTS TO
	)	"ATTACHMENT A" LIST
	)	

Descriptive Summary

This is a stipulation to resolve Island Capitol LLC's objection to the Idaho Department of Water Resources Director's Report recommendation to water right numbers 65-22616 and 65-22617.

Stipulation

In order to resolve a dispute over the above captioned water rights, the Idaho Department of Water Resources (IDWR) and Island Capitol, LLC, (the objector and claimant), by and through its attorney of record, Dana Hofstetter, hereby stipulate and agree as follows:

1. That on or about September 18, 2001, IDWR filed its Director's Report for Basin 65, Part III. (Hereinafter referred to as Director's Report).

STIPULATION FOR BASIN 65 GENERAL PROVISION NO. 3 (SEPARATE STREAMS),
ADDITION OF TWO WATER RIGHTS TO "ATTACHMENT A" LIST, Page 1

2. That the Director's Report included General Provision 3 (commonly, known as the "Separate Streams" General Provision) and a list of water rights and associated sources identified as "Attachment A" which were to be administered separately as provided in General Provision No. 3.
3. That water right numbers 65-22616 and 65-22617 from source Boulder Creek tributary to North Fork Payette River should have been listed on "Attachment A", but were not.
4. That water right numbers 65-22616 and 65-22617 be added to the "Attachment A" list and be administered separately pursuant to the language in General Provision 3.
5. IDWR and Island Capitol have indicated their concurrence with the addition of water right numbers 65-22616 and 65-22617 from source Boulder Creek tributary to North Fork Payette River to "Attachment A" for General Provision 3 by signing this Stipulation.
6. This stipulation does not resolve the objection filed by the United States of America acting through the Department of Interior, Bureau of Reclamation (USDI/BOR) to General Provision 3 (separate streams administration). The USDI/BOR objection will be resolved separate and apart from this stipulation.
7. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and IDWR and Island Capitol agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding,

and that this agreement is not and shall not be used as precedent for any other claim to a water right.

8. This stipulation was entered into and executed voluntarily by IDWR and Island Capitol in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

IT IS SO AGREED:

By: 
DANA HOFSTETTER
Attorney for Island Capitol, LLC
Claimant/Objector

Dated: August 28, 2002

IDWR Concurrence:

By: 
GARRICK L. BAXTER
Deputy Attorney General for
IDWR

Dated: 9/4/02

By: 
Senior Water Right Agent

Dated: 9-9-02