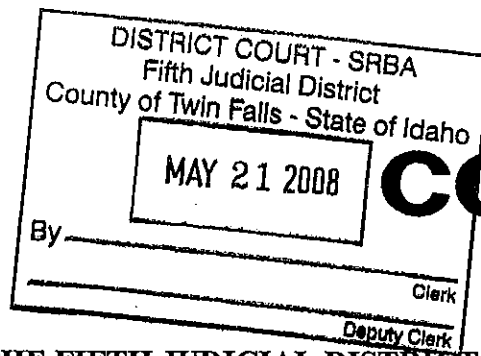


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MAY 22 2008

DEPARTMENT OF
WATER RESOURCES



COPY

**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. 78-12162

Case No. 39576

**STIPULATION TO RESOLVE
OBJECTION**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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; that 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 parties hereby agree and stipulate that the proper description of the **point of diversion** element for the above-referenced water right is **T19N, R02E, S29, SENE**.

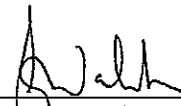
The parties and IDWR acknowledge that the other objections raised by the Objectors to any other elements remain outstanding. The Claimant/Objector, Respondent and IDWR have indicated their concurrence by signing this Stipulation.

CLAIMANT(s)/OBJECTOR(s):

Dan & Mary Hearn

RESPONDENT:

USDA Forest Service



Scott L. Campbell 5/15/08
Attorney for Claimant/Objector Date

David L. Negri, USDOJ, Date
Attorney for Respondent

IDWR Concurrence:

Carter Fritschle 12-13-07
Carter Fritschle Date
Adjudication Section Manager

Andrea L. Courtney 12/12/07
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on May 19, 2008, 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:

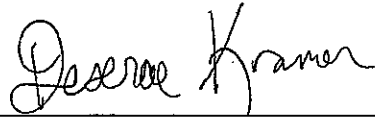
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

DAN & MARY HEARN
DAN HEARN
Represented by:
SCOTT L. CAMPBELL
ANDREW J. WALDERA
101 S. CAPITOL BLVD. 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of Person or Attorney Mailing Form