



U.S. Department of Justice

Environment and Natural Resources Division

JJD:DAJ
90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

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SEP 12 2008

DEPARTMENT OF
WATER RESOURCES

September 9, 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

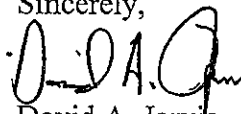
Re: SRBA Case No. 39576
Subcase Nos. 63-29762, 63-29763, 63-10399, & 63-10714

Dear Ms. Delaney:

Enclosed for filing in the above listed subcases are the following original documents as additional copies to meet filing requirements:

1. **STIPULATION** (Subcase Nos. 63-29762, 63-29763, 63-10399, & 63-10714)
2. **UNOPPOSED MOTION TO STAY PROCEEDINGS** (Subcase Nos. 63-29762 & 63-29763)
3. **STANDARD FORM 4 – MOTION TO FILE: LATE NOTICES OF CLAIM** (Subcase Nos. 63-10399 & 63-10714)

Sincerely,


David A. Jarvis
Paralegal

Enclosures

RECEIVED

SEP 12 2008

DEPARTMENT OF
WATER RESOURCES

RONALD J. TENPAS

Assistant Attorney General
Environment and Natural Resources Division

JAMES J. DUBOIS

Trial Attorney, General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado 80294
Phone: (303) 844-1375
Fax: (303) 844-1350

Counsel for the United States of America

**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. 63-29762, 63-29763,
	)	63-10399, and 63-10714
Case No. 39576	)	
	)	STIPULATION
	)	
	)	

Claimant United States of America, ("United States"), and Objector the State of Idaho ("State") by and through their respective undersigned attorneys, hereby stipulate and agree as follows:

1. The United States filed the claims in this matter on March 25, 1993 asserting a reserved water right in relation to certain lands within the Wilder Strategic Training Range in Idaho. The claims were reported in the Director's Report, IDWR Basin 63, Part II, dated December 16, 2005.

2. Objections to the claims in this matter were filed on behalf of the State .

3. The United States currently holds state license nos. 63-10399 and 63-10714 for use within portions of the Wilder Strategic Training Range. The United States has filed a Motion to File Late Notices of Claim for late claims for these water rights contemporaneous with this Stipulation. The United States and the State agree that Claim Nos. 63-10399 and 63-10714 will be accepted in settlement of the reserved water rights claims in this matter. The State agrees that it will not oppose entry of decrees for these claims so long as they are consistent with the current licenses.

4. The United States and the State agree the proceedings in Subcase Nos. 63-29762 and 63-29763 shall be stayed pending issuance of partial decrees for Claim Nos. 63-10399 and 63-10714. Upon issuance of partial decrees for Claim Nos. 63-10399 and 63-10714 the United States will file a Motion to Dismiss federal reserved water right Claim Nos. 63-29762 and 63-29763, and the claims will be disallowed.

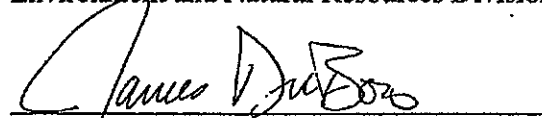
5. This Agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any future legal proceeding.

6. The parties hereto represent and affirm that the signatories to this Stipulation are legally authorized to bind the parties in this matter.

7. The parties hereto further stipulate that each will bear its own costs and fees associated with their appearance in this matter.

Dated this 8th day of September, 2008.

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



JAMES J. DUBOIS
Trial Attorney, Natural Resource Section
Environment and Natural Resources Division

Counsel for the United States of America

LAWRENCE G. WASDEN
Attorney General
DAVID STANISH
Deputy Attorney General
Natural Resources Division



9/8/08

DAVID STANISH (ISB # 7310)
Deputy Attorney General
Office of the Attorney General
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, ID 8371 1-4449
Attorney Phone No. (208) 334-2400

Counsel for the State of Idaho

CERTIFICATE OF MAILING

I certify that on September 9, 2008, I mailed true and correct copies of the foregoing **STIPULATION** (Subcase Nos. 63-29762, 63-29763, 63-10399, and 63-10714) as follows:

via FedEx Mail:

Clerk of the District Court (Original + 3 copies)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
Phone: 208-736-3011

via First Class U.S. Mail, pre-paid:

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

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise ID 83724



James J. DuBois