



U.S. Department of Justice

Environment and Natural Resources Division

JJD:DAJ

90-6-2-63c

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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

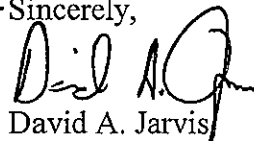
Re: SRBA Case No. 39576
Subcase Nos. 63-29768, 63-29769, 63-29770, 63-29771, 63-02997, & 63-07594

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. 63-29768, 63-29769, 63-29770, 63-29771, 63-02997, & 63-07594)
2. **UNITED STATES' MOTION FOR ORDER DISMISSING CLAIMS WITH PREJUDICE** (Subcase Nos. 63-29768, 63-29769, 63-29770 & 63-29771)

-Sincerely,


David A. Jarvis
Paralegal

Enclosures

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DEPARTMENT OF
WATER RESOURCES

RONALD J. TENPAS

Assistant Attorney General

Environment and Natural Resources Division

JAMES J. DUBOIS

Trial Attorney, General Litigation Section

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U.S. Department of Justice

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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. 63-29768, 63-29769,
	)	63-29770, 63-29771, 63-02997 and
Case No. 39576	)	63-07594
	)	
	)	STIPULATION
	)	

Claimant United States of America, on behalf of the United States Department of Interior, Fish and Wildlife Service ("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 Deer Flat National Wildlife Refuge in Idaho. The claim was 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 and the State stipulate and agree to the dismissal of the claim in

this matter with prejudice, and stipulate to the Motion for Order Dismissing Claim with Prejudice attached hereto as Exhibit A.

4. The United States and the State agree that Claim Nos. 63-02997 and 63-07594 will be accepted in settlement of the reserved water rights claims in this matter.

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)
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Boise, ID 8371 1-4449
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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. 63-29768, 63-29769, 63-29770, 63-29771, 63-02997 and 63-07594) as follows:

via FedEx Mail:

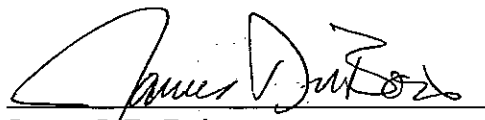
Clerk of the District Court (Original + 5 copies)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
Phone: 208-736-3011

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

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

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

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Environment and Natural Resources Div.
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James J. DuBois