

Names of Parties Filing Documents:

UNITED STATES OF AMERICA

IDAHO BAPTIST CONVENTION

Attorney Name and Address:

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 W. Fort St. MSC033
Boise, ID 83724
(208) 334-1936

pro se

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

Case Number: 39576

) Subcases: 37-04379

) STIPULATION TO RESOLVE SUBCASE

DESCRIPTIVE SUMMARY

This is a stipulation between the United States of America, acting on behalf of the United States Department of Agriculture, Forest Service (hereinafter "Forest Service") and United States Department of the Interior, Bureau of Land Management (hereinafter "BLM"), and the Idaho Baptist Convention (hereinafter "IBC") to resolve Forest Service and BLM objections to water right claim number 37-04379.

STIPULATION

WHEREAS, it is Forest Service policy to file application for and secure water rights in accordance with state law for water used on National Forest System (NFS) Lands by permittees; and

WHEREAS, the BLM has statutory authority to regulate the mineral estate of the United States including geothermal and hot water resources; and

WHEREAS, the IBC holds a special use permit authorizing the Easley Hot Springs Resort on the Sawtooth National Forest; and

WHEREAS, the IBC filed claim number 37-04379 in the Snake River Basin Adjudication for water from Easley Hot Springs to be used for recreation and heating purposes at the resort; and

WHEREAS, the BLM and Forest Service filed objections to water right claim number 37-04379 in accordance with federal policy; and

WHEREAS, the parties recognize that Easley Hot Springs Resort authorized by the Forest Service is an important use of the NFS land and that continued availability and use of water at the resort is in the best interest of the IBC and the United States; and

WHEREAS, the IBC and the United States wish to resolve the objections to the above referenced water right without litigation expense and delay.

THEREFORE, the parties stipulate and agree as follows:

1. The use of water at Easley Hot Springs Resort must be in accordance with applicable state law and federal policy.

2. The IBC holds a term special use permit for Easley Hot Springs Resort on the Sawtooth National Forest.
3. The United States is the owner of the land at the point of diversion and place of use at Easley Hot Springs Resort
4. Water right claim number 37-04379 should be decreed in the name of the United States.
5. The water right is for recreation and heating use by the permit holder at Easley Hot Springs Resort and the United States and IBC agree that the special use permit shall be amended to so provide.
6. The United States objections to the Director's Report recommendation for water right claim number 37-04379 will be resolved through a Standard Form 5 - Stipulated Elements of a Water Right with the concurrence of the Idaho Department of Water Resources.
7. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations shall be construed as admissions against interest or be used in any legal proceeding.
8. All parties agree to bear their own costs and attorney fees in connection with this matter.
9. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

CLAIMANT:

Idaho Baptist Convention

 2-13-09
Date

KRIS WALLER

Chairman, Camp Board

 2-13-09
Date

LINDA HARRIS

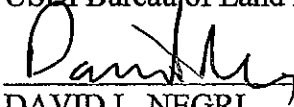
Chairman, Board of Trustees

OBJECTOR:

United States of America acting through

USDA Forest Service and

USDI Bureau of Land Management

 2/26/09
Date

DAVID L. NEGRI

United States Department of Justice

CERTIFICATE OF MAILING

I certify that on February 26, 2009, I served this *Stipulation to Resolve Subcase – 37-04379* upon the following:

BY FIRST CLASS MAIL:

Idaho Baptist Convention
Cathedral Pines
HC 64 Box 8296
Ketchum, ID 83340

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St. MSC033
Boise, ID 83724

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

