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DEPARTMENT OF
WATER RESOURCES

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 No. 75-10678
)
)

Case No. 39576

) **STIPULATION TO RESOLVE**
) **USDI-BLM 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 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 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 claimants (Johnny J. Cabigas and Lana J. Greenway), objector (USDI-BLM), and IDWR agree and stipulate that the place of use element of this water right should be described per the attached recommendation. This stipulation resolves only the USDI-BLM's objection seeking clarification of the place of use element and does not resolve the objection of the claimants nor the issues of the other parties. The United States requests that it not be dismissed as a party so that it can monitor the subcase to ensure this settlement is included in the eventual decree of this claim.

CLAIMANTS:

Johnny J. Cabigas
Lana J. Greenway

Ray W. Rigby 3-6-09
Ray W. Rigby Date
Rigby, Andrus & Moeller, Chartered
Attorney for Claimants

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David L. Negri 4/1/09
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Nathaniel Arave 3/30/2009
for Nathaniel Arave Date
Senior Water Resources Agent

IDWR CONCURRENCE:

Garrick L. Baxter 3/30/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10678

NAME AND ADDRESS: LANA J GREENWAY
1267 MOBILE AVE
CAMARILLO CA 93010

JOHNNY J CABIGAS
1267 MOBILE AVE
CAMARILLO CA 93010

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.037 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04/01 10/31 0.037 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T22N R22E S03 SWNE 2.20
T22N R22E S03 SENW 0.80

3 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

The rights listed below are limited to the irrigation of a combined total of 3 acres in a single irrigation season. Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA and 75-10678.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on 4-1, 2009, I mailed the original and copies of this form, including all attachments, 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. Copy to:

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

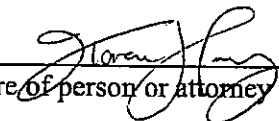
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural
Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Ray W. Rigby
Rigby, Andrus & Moeller, Chartered
25 North Second East
Rexburg, Idaho 83440

Johnny J. Cabigas & Lana J. Greenway
1267 Mobil Ave.
Camarillo, CA 93010



Signature of person or attorney mailing the form