

Names of Parties Serving Document:

UNITED STATES OF AMERICA

STATE OF IDAHO

Attorneys' Names and Addresses:

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**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 Numbers: 75-11205, 75-11212,
) 75-13802, 75-14379 and 75-14449
)

Case No. 39576

) **STIPULATION TO RESOLVE**
) **OBJECTIONS**
)
)

The United States of America, by and through the US Department of Agriculture, Forest
Service ("United States"), and the State of Idaho ("State") (collectively, "Parties"), by and through

STIPULATION TO RESOLVE OBJECTIONS

their respective undersigned counsel, hereby stipulate and agree as follows as to resolve the State's objections to the United States' water right claims in the above-captioned SRBA subcases.

WHEREAS, the United States has submitted the water right claim in the above-captioned SRBA subcases for federal reserved water rights to supply water at Forest Service Administrative Sites; and

WHEREAS, the State has objected to the United States' water right claims; and

WHEREAS, the Parties desire to settle this dispute through the issuance of two separate decrees under state and federal law for each water use claimed at the administrative sites, with the use in conjunction under both decrees limited to the quantity necessary for the administrative site;

THEREFORE, the Parties agree and stipulate as follows:

1. TWO DECREES FOR EACH WATER USE. The Parties agree that this dispute can be resolved by the issuance of two water right decrees for each water use at each administrative site, with one decree based on federal law and the second decree based on state law. The two decrees should be limited to a combined use equal to the quantity necessary for the administrative site. Such quantity and used in conjunction language for each water use is reflected in the attached EXHIBIT 1.

2. STIPULATION CONTINGENT UPON ISSUANCE OF DECREES. This Stipulation is effective only if the water rights proceed to decree from the SRBA Court as such water rights are described in the attached exhibit. If for any reason the Court does not issue a decree for either of the water rights as described on the attached exhibit, this Stipulation is null and void as to such water right and shall have no effect, and the United States shall proceed with a determination of its water rights under applicable law.

3. CONFORMING DOCUMENTS. The Parties agree that they will execute and file any necessary documents with the SRBA Court to conform to the provisions described in this Stipulation.

4. STIPULATION NOT TO BE USED AGAINST THE PARTIES. The Parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending litigation, by compromise and settlement and that nothing in this Stipulation, or any offers or compromises made in the course of negotiating this Stipulation, shall be construed as precedent in the SRBA or any other proceeding or context, as admissions against interest or tendered or used as evidence to show the validity or invalidity of any water right claims made by the Parties, or as an admission or concession of wrongdoing or liability, or shall be used in any manner by any party in the SRBA in any future proceedings in the SRBA, in any appellate proceedings concerning the SRBA, or in any other proceeding, other than those seeking approval of this Stipulation by the SRBA Court, for interpretation or enforcement of this Stipulation, or for a purpose contemplated by Idaho Rule of Evidence 408.

5. RESERVATIONS. Nothing in this Stipulation shall be construed to deprive any federal or state official of authority to revise, amend, or promulgate regulations. Nothing in this Stipulation shall be construed to commit any federal official to expend funds not appropriated by Congress. Nothing in this Stipulation shall be construed to commit any state official to expend funds not appropriated by the Idaho State Legislature.

6. VOLUNTARY EXECUTION. This Stipulation was entered into and executed voluntarily by the Parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

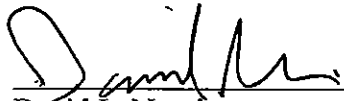
7. BINDING EFFECT. This Stipulation shall bind and inure to the benefit of any and all successors, assigns, heirs, executors, and administrators of each of the Parties.

8. COSTS AND ATTORNEY FEES. Each Party shall bear their own costs and attorney fees.

9. EFFECTIVE DATE. This Stipulation shall become effective upon execution by both of the Parties.

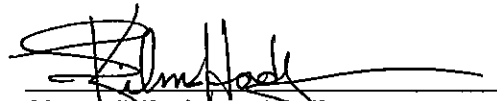
DATED this 24 day of November, 2009.

DATED this 18 day of November, 2009.



David L. Negri
United States Department of Justice

Attorney for the United States of America



Shasta Kilminster-Hadley
Deputy Attorney General

Attorney for the State of Idaho

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2009, I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE OBJECTIONS**, by depositing a copy thereof in the U.S. mail, postage prepaid, or by other service where indicated, upon the following:

Shasta Kilminster-Hadley, Deputy Attorney General
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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



David Negri

Exhibit 1

Water right claims filed under federal law and new companion state law water rights pursuant to this **Stipulation To Resolve Objections**.

Water right numbers are followed by the respective page of Exhibit 1 as (Page ____).

<u>Federal Law</u>	<u>State Law</u>
75-11205 (Page 2)	75-14613 (Page 3)
75-11212 (Page 4)	75-14602 (Page 5)
75-13802 (Page 6)	75-14603 (Page 7)
75-14379 (Page 8)	75-14604 (Page 9)
75-14449 (Page 10)	75-14605 (Page 11)

10/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

RIGHT NUMBER: 75-11205

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: UPPER DUMMY CREEK SPRING TRIBUTARY: SINKS

QUANTITY: 0.060 CFS

This right is used in combination with Right No. 75-14613 and is limited to a total combined diversion rate of 0.06 cfs.

PRIORITY DATE: 11/05/1906

POINT OF DIVERSION:

T20N R19E S18 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
ADMINISTRATIVE	01/01 12/31	0.060 CFS

PLACE OF USE: ADMINISTRATIVE in LEMHI County

T20N R19E S18 NENW

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 - Reserved

Cobalt Ranger Station
FOREST SERVICE RECORD ID = 4 13 17060203 30 0 003

STIPULATION TO RESOLVE OBJECTIONS

Exhibit 1 Page 2

10/08/2009

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

RIGHT NUMBER: 75-14613

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: UPPER DUMMY SPRING TRIBUTARY: SINKS

QUANTITY: 0.060 CFS

This right is used in combination with Right No. 75-11205 and is limited to a total combined diversion rate of 0.06 cfs.

PRIORITY DATE: 06/01/1919

POINT OF DIVERSION:

T20N R19E S18 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	0.060 CFS

PLACE OF USE: FIRE PROTECTION in LEMHI County

T20N R19E S18 NENW

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 - Beneficial Use

Cobalt Ranger Station
FOREST SERVICE RECORD ID = 4 13 17060203 30 0 003

STIPULATION TO RESOLVE OBJECTIONS

Exhibit 1 Page 3

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

Right Number: 75-11212

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: NORTH FORK SALMON RIVER Tributary: SALMON RIVER

Quantity: .025 CFS

This right is used in conjunction with 75-14602 and is
limited to a total combined diversion rate of .025 cfs.

Priority Date: 11-05-1906

Point of
Diversion: T25N R21E S15 SESW Within Lemhi County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Administrative	05-01 TO 10-31	.025 CFS

Place of Use: Administrative Within Lemhi County
T25N R21E S22 NENW

Other Provisions Necessary for Definition / 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 - Reserved

FOREST SERVICE RECORD ID = 041317060203210006 00

STIPULATION TO RESOLVE OBJECTIONS

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07/15/2009

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

RIGHT NUMBER: 75-14602

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.025 CFS

This right is used in conjunction with Right No. 75-11212 and is limited to a total combined diversion rate of 0.025 cfs.

PRIORITY DATE: 06/01/1908

POINT OF
DIVERSION:

T25N R21E S15 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/01 10/31	0.025 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S22 NENW 0.70

0.7 ACRES TOTAL

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 - Beneficial Use

FOREST SERVICE RECORD ID = 041317060203210006 00

STIPULATION TO RESOLVE OBJECTIONS

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

Right Number: 75-13802

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: PANTHER CREEK Tributary: SALMON RIVER

Quantity: .08 CFS

This right is used in conjunction with 75-14603 and is
limited to a total combined diversion rate of .08 cfs.

Priority Date: 11-05-1906

Point of
Diversion: T20N R19E S18 NENW Within Lemhi County

Purpose and Period of Use:	Purpose of Use Administrative	Period of Use 05-01 TO 10-31	Quantity .08 CFS
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Place of Use:	Administrative T20N R19E S18	Within Lemhi County NWNE
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Other Provisions Necessary for Definition / 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 - Reserved

Cobalt Ranger Station
4 13 17060203 28 0 0004

STIPULATION TO RESOLVE OBJECTIONS

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07/15/2009

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

RIGHT NUMBER: 75-14603

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: PANTHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.080 CFS

This right is used in conjunction with Right No. 75-13802 and is limited to a total combined diversion rate of 0.08 cfs.

PRIORITY DATE: 06/01/1919

POINT OF
DIVERSION:

T20N R19E S18 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/30	0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R19E S07	SWSE	0.50	T20N R19E S18	NWNE	3.60
T20N R19E S18	NENW	0.50			
4.6 ACRES TOTAL					

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 - Beneficial Use
Cobalt Ranger Station
4 13 17060203 28 0 0004

STIPULATION TO RESOLVE OBJECTIONS

Exhibit 1 Page 7

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

Right Number: 75-14379

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: LOWER DUMMY CREEK SPRING Tributary: SINKS

Quantity: .05 CFS

This right is used in conjunction with 75-14604 and is limited to a total combined diversion rate of .05 cfs.

Priority Date: 11-05-1906

Point of
Diversion: T20N R19E S18 NENW Within Lemhi County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Administrative	05-01 TO 11-30	.05 CFS

Place of Use: Administrative Within Lemhi County
T20N R19E S18 NENW

Other Provisions Necessary for Definition / 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 - Reserved

Cobalt Ranger Station
FOREST SERVICE RECORD ID = 4 13 17060203 30 0 001
This right is renumbered from former right 75-2112.

STIPULATION TO RESOLVE OBJECTIONS

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

RIGHT NUMBER: 75-14604

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: LOWER DUMMY CREEK SPRING TRIBUTARY: SINKS

QUANTITY: 0.050 CFS

This right is used in conjunction with Right No. 75-14379 and is limited to a total combined diversion rate of 0.05 cfs.

PRIORITY DATE: 06/01/1919

POINT OF
DIVERSION: T20N R19E S7 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 11/30	0.050 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T20N R19E S18 NENW 1.00
1 ACRES TOTAL

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 - Beneficial Use

Cobalt Ranger Station
FOREST SERVICE RECORD ID = 4 13 17060203 30 0 001

STIPULATION TO RESOLVE OBJECTIONS

STIPULATION TO RESOLVE OBJECTIONS

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS RESERVED UNDER FEDERAL LAW

Right Number: 75-14449

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: SHEEP CREEK Tributary: NORTH FORK SALMON RIVER

Quantity: .10 CFS

This right is used in conjunction with 75-14605 and is
limited to a total combined diversion rate of .10 cfs.

Priority Date: 11-05-1906

Point of
Diversion: T25N R21E S14 SENW Within Lemhi County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Administrative	05-01 TO 10-31	.10 CFS

Place of Use: Administrative Within Lemhi County
T25N R21E S15 SESW

Other Provisions Necessary for Definition / 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 - Reserved

FOREST SERVICE RECORD ID = 041317060203210007 00
This right is renumbered from former right 75-4166.

STIPULATION TO RESOLVE OBJECTIONS

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

RIGHT NUMBER: 75-14605

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: SHEEP CREEK TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.100 CFS

This right is used in conjunction with Right No. 75-14449 and is limited to a total combined diversion rate of 0.10 cfs.

PRIORITY DATE: 06/01/1908

POINT OF
DIVERSION:

T25N R21E S14 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.100 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S15	SESW	6.10	T25N R21E S15	NWSE	0.40
T25N R21E S15	SWSE	1.30			

7.8 ACRES TOTAL

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 - Beneficial Use

FOREST SERVICE RECORD ID = 041317060203210007 00

STIPULATION TO RESOLVE OBJECTIONS

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