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**DEPARTMENT OF  
WATER RESOURCES**

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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

Case No. 39576

Subcase Nos.: 37-00005, *et al.*  
(Please see Exhibit A)

**JOINT STIPULATION AND MOTION FOR  
ORDER APPROVING WITHDRAWAL OF  
OBJECTIONS AND RESPONSES**

Sinclair Oil Corporation d/b/a Sun Valley Company ("SVC"), Newfoundland Partners LP ("Newfoundland"), the Concerned Water Users ("CWU")<sup>1</sup>, and the Big Wood Canal Company ("BWCC") (collectively, the "Parties"), through undersigned counsel of record, and pursuant to Idaho Rules of Civil Procedure 7 and 41, and Rule 4(d)(3) of this Court's Administrative Order 1,

<sup>1</sup> Bill Molyneux, Gerald Bashaw, Grace Eakin, John F. Stevenson, Pepin Corso-Harris, Pete Van Der Meulen, Rocky Sherbine, and Tom O'Gara.

hereby file this Joint Stipulation and Motion for Order Approving Withdrawal of Objections and Responses. A proposed order approving this Motion is also provided.

1. BWCC and CWU have filed Standard Form 1 Objections in the following pending subcases in which SVC is the water right claimant: 37-00415, 37-00416, 37-04108, and 37-12111.

2. BWCC and CWU have filed Standard Form 1 Objections in the following pending subcase in which Newfoundland is the water right claimant: 37-12130.

3. SVC and Newfoundland have filed Standard Form 1 Objections in the following pending subcases in which BWCC is the water right claimant: 37-00867, 37-00870, 37-00895, 37-13043, 37-13112, 37-13113, 37-13114, 37-13116, 37-20733, 37-21401, 37-21402, 37-21403, 37-21404, and 37-21405.

4. SVC and Newfoundland have filed Standard Form 1 Objections in the following pending subcases in which members of the CWU are water right claimants: 37-00111, 37-00112, 37-00114C, 37-00115D, 37-00116, 37-00475, 37-00477, 37-02502, 37-02561, 37-02576, 37-02582, 37-02618, 37-02629, 37-02656, 37-02658, 37-02681, 37-02682, 37-04114, 37-07391, 37-07584, 37-07609, 37-07645, 37-07651, 37-07663, 37-07758, 37-07800, 37-07856, 37-08003, and 37-08196.

5. SVC and/or Newfoundland have filed Standard Form 2 Responses in the following pending subcases in which BWCC and CWU are objectors to water rights claimed by other third parties: Please see Exhibit B.

6. The Parties, for good and valuable consideration, the sufficiency of which is hereby acknowledged, agree as follows:

a. BWCC and CWU hereby agree to withdraw all of their Objections in the subcases listed above in Paragraphs 1 and 2.

b. SVC and Newfoundland hereby agree to withdraw all of their Objections and Responses in the pending subcases listed above in Paragraphs 3 through 5.

c. SVC shall install a lockable and controllable measuring device on its Ketchum No. 2 Ditch and a staff gauge on Sun Valley Lake, subject to IDWR approval of both measuring devices.

7. The intent of this Stipulation is for BWCC and the CWU to withdraw all of their Objections in subcases in which SVC and Newfoundland are the water right claimants, in consideration for SVC's and Newfoundland's withdrawal of all of their Objections in pending subcases in which BWCC and members of the CWU are the claimants, and SVC's and Newfoundland's withdrawal of all of their Responses in pending subcases in which BWCC and CWU are objectors to water rights claimed by other third parties. To the extent the preceding paragraphs omit a pending subcase described by this paragraph, the Parties agree to execute a stipulation to effectuate the mutual withdrawal of pending Objections and Responses in such omitted subcases.

8. BWCC and CWU agree not to use the withdrawal of Objections and Responses by SVC and Newfoundland in a manner adverse to SVC and Newfoundland in any currently pending or future proceedings. Likewise, SVC and Newfoundland agree not to use the withdrawal of Objections and Responses by BWCC and CWU in a manner adverse to BWCC and CWU in any currently pending or future proceedings.

9. Some of the subcases that are subject to this Joint Stipulation and Motion currently may have pending deadlines and hearings. The Parties hereby agree that all such deadlines

and hearings shall be vacated effective immediately, pending the Court's decision on this Joint Stipulation and Motion. In the event the Court does not approve this Stipulation and Motion, the Parties agree that such deadlines and hearing dates shall be reset at that time, in the discretion and at the convenience of the Court and the Parties.

10. The Parties do not request a hearing on this Joint Stipulation and Motion, unless the Court desires a hearing.

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS,  
CHARTERED

Dated: November 20, 2009

By Scott Campbell  
Scott L. Campbell – Of the Firm  
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d/b/a Sun Valley Company and  
Newfoundland Partners LP

BARKER ROSHOLT & SIMPSON LLP

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Albert P. Barker – Of the Firm  
Attorneys for Concerned Water Users, Bill  
Molyneux, Gerald Bashaw, Grace Eakin,  
John F. Stevenson, Pepin Corso-Harris,  
Pete Van Der Meulen, Rocky Sherbine,  
and Tom O'Gara

HOBDEY & HOBDEY

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Craig D. Hobdey – Of the Firm  
Attorneys for Big Wood Canal Company

and hearings shall be vacated effective immediately, pending the Court's decision on this Joint Stipulation and Motion. In the event the Court does not approve this Stipulation and Motion, the Parties agree that such deadlines and hearing dates shall be reset at that time, in the discretion and at the convenience of the Court and the Parties.

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By \_\_\_\_\_  
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Attorneys for Big Wood Canal Company

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10. The Parties do not request a hearing on this Joint Stipulation and Motion, unless the Court desires a hearing.

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Dated: November 20, 2009

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Dated: 11-24-2009

By Craig D. Hobdey  
Craig D. Hobdey – Of the Firm  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of December, 2009, I caused a true and correct copy of the foregoing **JOINT STIPULATION AND MOTION FOR ORDER APPROVING WITHDRAWAL OF OBJECTIONS AND RESPONSES** to be served by the method indicated below, and addressed to the following:

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Los Angeles, CA 90066

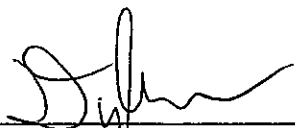
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Peter & Victoria Madsen  
Peter Madsen  
Victoria Madsen  
P.O. Box 334  
Hailey, ID 83333

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Director  
IDAHO DEPARTMENT OF WATER RESOURCES  
322 E. Front Street, 6th Floor  
P.O. Box 83720  
Boise, ID 83720  
Fax (208) 287-6700

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\_\_\_\_\_  
Dylan B. Lawrence

## EXHIBIT A

37-00005	37-00458B	37-02125
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37-00048B	37-00480F	37-02473K
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**EXHIBIT B**

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