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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. 21-02100 and 21-10015

STIPULATION TO RESOLVE  
MOTION TO SET ASIDE PARTIAL  
DECREE IN SUBCASE NO. 21-02100

STIPULATION TO RESOLVE  
MOTION TO ALTER AND AMEND  
SPECIAL MASTER'S  
RECOMMENDATION IN SUBCASE  
NO. 21-10015

STIPULATION TO RESOLVE MOTION TO SET ASIDE PARTIAL DECREE IN  
SUBCASE NO. 21-02100 and STIPULATION TO RESOLVE MOTION TO ALTER  
AND AMEND SPECIAL MASTER'S RECOMMENDATION IN SUBCASE NO. 21-10015

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The State of Idaho, Department of Fish and Game, and the North Henry's Lake Homeowners Association, by and through their respective attorneys, hereby stipulate and agree as follows:

### **I. PROCEDURAL BACKGROUND**

On February 2, 2007, this Court entered its Partial Decree for water right no. 21-02100 in the name of the Idaho Department of Fish and Game. On August 29, 2007, the North Henry's Lake Homeowners Association filed a motion to set aside the partial decree entered for water right no. 21-02100.

On April 29, 2008, this Court entered its Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law for water no. 21-10015 in the name of the North Henry's Lake Homeowners Association. On May 28, 2008, the Idaho Department of Fish and Game filed a motion to alter and amend the Special Master's recommendation entered for water right no. 21-10015.

### **II. MOTION TO SET ASIDE PARTIAL DECREE IN SUBCASE NO. 21-02100**

In order to resolve all issues between the parties in subcase no. 21-02100, the parties stipulate and agree as follows:

1. That the Court grant the North Henry's Lake Homeowners Association's pending motion to set aside the partial decree in subcase no. 21-02100; and

2. That the Court enter a Special Master's Recommendation and Partial Decree for water right no. 21-02100 consistent with that set forth in the Standard Form 5 filed by the parties in subcase no. 21-02100 on this same date.

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**III. MOTION TO ALTER AND AMEND SPECIAL MASTER'S  
RECOMMENDATION IN SUBCASE NO. 21-10015**

In order to resolve all issues between the parties in subcase no. 21-10015, the parties stipulate and agree as follows:

1. That the Court grant the Idaho Department of Fish and Game's pending motion to alter and amend the Special Master's recommendation in subcase no. 21-10015; and
2. That the Court enter an amended Special Master's Recommendation and Partial Decree for water right no. 21-10015 consistent with that set forth in the Standard Form 5 filed by the parties in subcase no. 21-10015 on this same date.

**IV. MUTUAL UNDERSTANDINGS**

1. The parties agree that this stipulation has been reached in the process of good faith negotiations for the purpose of resolving legal disputes, including pending litigation, without any determination on the merits. The parties agree that nothing herein or resulting herefrom shall constitute an admission against interest or be used in any proceeding as legal support or precedent, except as to effectuate this specific agreement. Each party stands by its claims and/or objections and intends merely to avoid litigation and to settle its peace.
2. The parties agree to bear their own costs and fees, including attorney fees.



DAVID I. STANISH  
Deputy Attorney General  
*Attorney for the State of Idaho*

3/1/10

Date



ROBERT L. HARRIS  
LUKE H. MARCHANT  
Holden, Kidwell, Hahn & Crapo, PLLC  
*Attorney for the North Henry's Lake Homeowners Association*

3/2/10

Date

**CERTIFICATE OF SERVICE**

I certify that on this 2 day of March 2010, I caused to be served the original and/or copy of this **STIPULATION TO RESOLVE MOTION TO SET ASIDE PARTIAL DECREE IN SUBCASE NO. 21-02100** and **STIPULATION TO RESOLVE MOTION TO ALTER AND AMEND SPECIAL MASTER'S RECOMMENDATION IN SUBCASE NO. 21-10015** on each of the following persons by the indicated methods:

1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN  
ADJUDICATION  
253 THIRD AVENUE NORTH  
PO BOX 2707  
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☒ Facsimile: (208) 736-2121  
☐ Statehouse Mail

2. Copies to

NORTH HENRY'S LAKE  
HOMEOWNERS ASSOCIATION  
REPRESENTED BY:  
ROBERT L. HARRIS (#7018)  
LUKE H. MARCHANT (#7944)  
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