

**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	)	Water Right Nos. 36-7732B,
	)	36-7732C and 36-7732D
Case No. 39576	)	(Basin-Wide Issue 13)
	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION TO 706 REPORT
	)	AND RECOMMENDATION
	)	FOR BASIN WIDE ISSUE

DESCRIPTIVE SUMMARY

B-4 Dairy, L.L.C., represented by Robert E. Williams, objected to the 706 Report and Recommendation (the Report) filed by the Idaho Department of Water Resources (IDWR) in Basin-Wide Issue 13 on July 15, 2011. Water rights 36-7732B, 36-7732C and 36-7732D appear on Attachment B of the Report, a list of trust-area water rights found to have statutory (qualified) subordination status.

STIPULATION

B-4 Dairy and IDWR, as well as the State of Idaho and the Idaho Power Company, objectors in the Basin-Wide Issue 13 subcase, agree and stipulate that water rights 36-7732B, 36-7732C and 36-7732D will be removed from Attachment B of the Report.

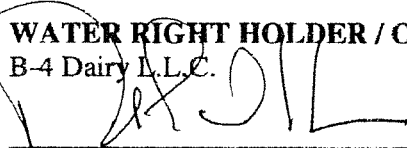
The parties and IDWR agree and stipulate that water rights 36-7732B, 36-7732C and 36-7732 D have met the substantial investment criteria as defined in the 1180 Contract of the Swan Falls Agreement.

The parties and IDWR agree and stipulate that any partial or final decree issued in the Basin-Wide 13 subcase will reflect that water rights 36-7732B, 36-7732C and 36-7732D are afforded unqualified subordination granted through the Swan Falls Agreement.

The parties and IDWR acknowledge that this Stipulation resolves only the objections relating to water rights 36-7732B, 36-7732C and 36-7732D. The remaining objections to the Report are still outstanding.

WATER RIGHT HOLDER / OBJECTOR:

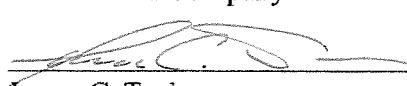
B-4 Dairy L.L.C.


Robert E. Williams
Attorney for B-4 Dairy L.L.C.

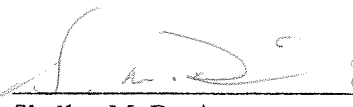
8-7-11
Date

OBJECTORS:

Idaho Power Company

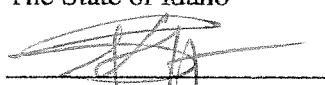

James C. Tucker
Attorney for Idaho Power Company

8/12/11
Date


Shelley M. Davis
Attorney for Idaho Power Company

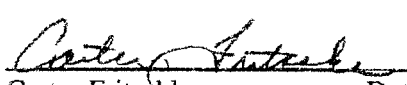
8/14/11
Date

The State of Idaho

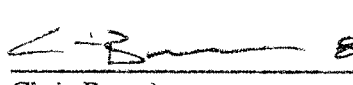

Shasta Kilminster-Hadley
Attorney for the State of Idaho

Date

IDWR CONCURRENCE:


Carter Fritschle
Manager, Adjudication Section

8-5-11
Date


Chris Bromley
Deputy Attorney General
Attorney for IDWR

8/5/11
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16 day of August, 2011, I caused to be served a true and correct copy of the Stipulation to Resolve Objection to 706 Report and Recommendation for Basin-Wide Issue 13, by the following method to:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

State of Idaho
Office of the Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John K. Simpson
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Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Shelley M. Davis
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☐ Hand-Delivered
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Robert E. Williams
Fredericksen Williams
P.O. Box 168
Jerome, ID 83338

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form