

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 No. 45-7497
	)	
Case No. 39576	)	(Basin-Wide Issue 13)
	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION TO 706 REPORT
	)	AND RECOMMENDATION
	)	FOR BASIN WIDE ISSUE

DESCRIPTIVE SUMMARY

Farmland Reserve, Inc., presented by Ryan B. Frazier, 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 right 45-7497 appears on Attachment B, a list of trust-area water rights found to have statutory (qualified) subordination status.

STIPULATION

Farmland Reserve 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 right 45-7497 be removed from Attachment B.

The parties and IDWR agree and stipulate that Farmland Reserve and water right 45-7497 have met the criteria set out in paragraph 2(d) of the 1180 Contract of the Swan Falls Agreement, which addresses persons dismissed from Ada County Civil Case No. 81375.¹

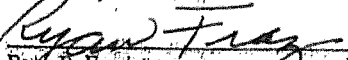
The parties and IDWR agree and stipulate that any partial or final decree issued in the Basin-Wide 13 subcase will reflect that water right 45-7497 is afforded unqualified subordination granted through the Swan Falls Agreement.

¹ *Idaho Power Co. v. IDWR, No. 81375* (Ada County District Court, filed Mar. 30, 1983).

The parties and IDWR acknowledge that this Stipulation resolves only the objections relating to water right 45-7497. The remaining objections to the Report are still outstanding.

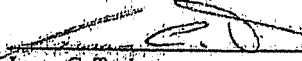
WATER RIGHT HOLDER / OBJECTOR:

Farmland Reserve, Inc.

 9/22/11
Ryan B. Frazier Date
Attorney for Farmland Reserve, Inc.

OBJECTORS:

Idaho Power Company

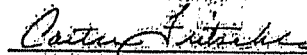
 9/9/11
James C. Tucker Date
Attorney for Idaho Power Company

 9/16/11
Shelley M. Davis Date
Attorney for Idaho Power Company

The State of Idaho


Shasta Wilmlaster-Hadley Date
Attorney for the State of Idaho

IDWR CONCURRENCE:

 9-16-11
Carter Fritschle Date
Manager, Adjudication Section

 7/16/11
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22 day of September, 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

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☐ Facsimile

James C. Tucker
Idaho Power
P.O. Box 70
Boise, ID 83707

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

Shelley M. Davis
Barker Rosholt
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
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☐ Facsimile

Ryan B. Frazier
Kirton & McConkie
P.O. Box 45120
Salt Lake City, UT 84145-0120

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Signature of person or attorney mailing the form