

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. 35-8201
	)	
Case No. 39576	)	(Basin-Wide Issue 13)
	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION TO 706 REPORT
	)	AND RECOMMENDATION
	)	FOR BASIN WIDE ISSUE

DESCRIPTIVE SUMMARY

Water right holder Richard Winberg 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 35-8201 appears on Attachment B, a list of trust-area water rights found to have statutory (qualified) subordination status.¹

STIPULATION

Richard Winberg 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 35-8201 be removed from Attachment B.

The parties and IDWR agree and stipulate that beneficial use of water under water right 35-8201 was established prior to 10/25/1984, meeting specific criteria set out in 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 right 35-8201 is afforded unqualified subordination granted through the Swan Falls Agreement.

¹ Winberg filed objections to water right nos. 35-2430 and 35-2434, which do not appear on Attachment B. Settlement discussions centered on right no. 35-8201 which was noted as a late objection to the State of Idaho's Second Amended Motion to Include Subordination Language on Water rights Affected by the Swan Falls Agreement in the Report. IDWR and the parties are filing this stipulation under the Winberg water right which actually appears on Attachment B, 35-8201.

The parties and IDWR acknowledge that this Stipulation resolves only the objections relating to water right 35-8201. The remaining objections to the Report are still outstanding.

This stipulation is conditioned upon Winberg moving the SRBA District Court to set aside the partial decree issued in enlargement water right 35-11696. Winberg also agrees to formally notify IDWR of its intent to relinquish and/or abandon water right no. 35-11696.

WATER RIGHT HOLDER / OBJECTOR:

Richard Winberg

Richard Winberg 11/26/01
Richard Winberg Date

OBJECTORS:

Idaho Power Company

James C. Tucker

Attorney for Idaho Power Company

Date

Shelley M. Davis

Attorney for Idaho Power Company

Date

The State of Idaho

Shasta Kilminster-Hadley

Attorney for the State of Idaho

Date

IDWR CONCURRENCE:

Carter Fritschle

Manager, Adjudication Section

Date

Chris Bromley

Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of November, 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

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

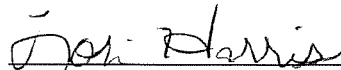
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Richard Winberg
1027 S 2600 W
Aberdeen, ID 83210

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

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

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Signature of person or attorney mailing the form