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Department of Water Resources
Adjudication Bureau

1993 SEP 17 AM 10: 04

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

36-02680 -0001
36-02680 -0002
36-02704 -0001
36-04020 -0001
36-04032A -0001
36-04032B -0001
36-04032C -0001
36-07167 -0001
36-07167 -0002/
93-09-0041

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Drainage
Basin Water System)
_____)

Case No. 39576

The State of Idaho, *ex rel.*
R. Keith Higginson in his
official capacity as director
of the Idaho Department of
Resources)
_____)

Petitioner,

vs.

United States; State of Idaho;
and all unknown claimants to
the use of water from
the Snake River Drainage Basin
Water System,)
_____)

Respondents.

STIPULATION BY RIM VIEW
TROUT COMPANY, IDAHO POWER
COMPANY, IDAHO DEPARTMENT OF
WATER RESOURCES, AND
IDAHO DEPARTMENT OF FISH
AND GAME TO CONSOLIDATE
SUBCASES RELATING TO
NIAGARA SPRINGS FOR TRIAL

DESCRIPTIVE SUMMARY

This document is a stipulation to consolidate for trial all the subcases of contested water rights that divert water from Niagara Springs in Reporting Area 3 (Basin 36).

STIPULATION WITH RELATED RECITALS OF FACT

Rim View Trout Company, Idaho Power Company, Idaho Department of Water Resources, and Idaho Department of Fish and Game, hereinafter the "parties," stipulate and agree as follows:

RECITALS OF FACT

1. Rim View Trout Company filed Notices of Claim for the following water rights:

- | | | | |
|----|-----------|----|----------|
| a. | 36-04032A | d. | 36-02680 |
| b. | 36-04032B | e. | 36-07167 |
| c. | 36-04032C | | |

2. Rim View Trout Company filed the following Objections to water rights for which it is the claimant:

- | | | | |
|----|----------------|----|---------------|
| a. | 36-04032A-0001 | d. | 36-02680-0001 |
| b. | 36-04032B-0001 | e. | 36-07167-0002 |
| c. | 36-04032C-0001 | | |

3. The Idaho Power Company filed the following Objections to the water rights of Rim View Trout Company described in paragraph 1:

- | | | | |
|----|----------------|----|---------------|
| a. | 36-04032A-0003 | c. | 36-02680-0002 |
| b. | 36-04032B-0003 | d. | 36-07167-0001 |

4. The Idaho Department of Fish and Game filed the following Objections to the water rights of Rim View Trout Company described in paragraph 1:

- | | | | |
|----|----------------|----|----------------|
| a. | 36-04032A-0003 | b. | 36-04032B-0003 |
|----|----------------|----|----------------|

5. The Idaho Power Company filed a Notice of Claim for the following water right: 36-02704.

6. The Idaho Power Company filed the following Objection to a water right for which it is the claimant: 36-02704-0002.

7. The Rim View Trout Company filed Objection No. 36-02704-0001 to a water right of Idaho Power Company described in paragraph 5.

8. The Idaho Department of Fish and Game filed a Notice of Claim for the following water right: 36-04020.

9. The Idaho Department of Fish and Game filed Objection No. 36-04020-0002 to a water right for which it is a claimant.

10. The Rim View Trout Company filed Objection No. 36-04020-0001 to a water right of the Idaho Department of Fish and Game described in paragraph 8.

11. The Idaho Power Company filed the following Objection to the water right of the Idaho Department of Fish and Game described in paragraph 8: 36-04020-0003.

12. The parties recognize that the water rights from Niagara Springs are inter-related and that the trials of these various subcases would be most appropriately conducted in one consolidated proceeding.


STIPULATION

1. The parties stipulate to the consolidation for trial of the following Subcases:

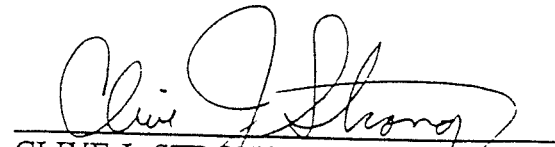
a. 36-02704	e. 36-02680
b. 36-04032A	f. 36-07167
c. 36-04032B	g. 36-04020
d. 36-04032C	
2. This consolidation for trial is not intended and does operate to change the status of any particular party with respect to a particular subcase.
3. This consolidation for trial does include any objection as to the aforementioned claims based upon the inclusion of general provisions..

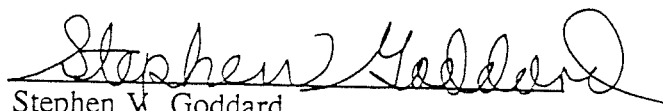
Dated this 17 day of September, 1993.

IDAHO POWER COMPANY



JIM TUCKER
Attorney for Idaho Power

STATE OF IDAHO
LARRY ECHOHAWK
Attorney General


CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


Stephen W. Goddard
Deputy Attorney General,
Idaho Department of Fish and Game

RIM VIEW TROUT COMPANY


WILLIAM RINGERT
Attorney for Rim View Trout
Company

CERTIFICATE OF SERVICE

I certify that on the 17th day of September, 1993, I served a true and correct copy of this STIPULATION BY RIM VIEW TROUT COMPANY, IDAHO POWER COMPANY, IDAHO DEPARTMENT OF WATER RESOURCES, AND IDAHO DEPARTMENT OF FISH AND GAME TO CONSOLIDATE SUBCASES RELATING TO NIAGARA SPRINGS FOR TRIAL by mailing a copy thereof to the following persons, addressed as follows:

1. One copy to:

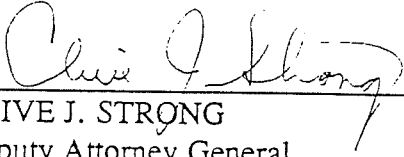
U.S. Department of Justice
Enviro. & Natural Res. Division
550 West Fort Street, Box 33
Boise, ID 83724

Carolyn Minder
SRBA Attorney
7283 Obsidian
Boise, Idaho 83709

2. One copy to each of the following parties identified in the pleading from whom relief is sought:

None.

LARRY ECHOHAWK
Attorney General



CLIVE J. STRONG
Deputy Attorney General
Natural Resources Division

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