

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 Basin
Water System

RECEIVED

Case No. 39576

JAN 31 1994

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

Subcase No. 34-04039 Department of Water Resources
Adjudication Bureau

Petitioner,

v.

STIPULATION OF WITHDRAWAL

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

Respondents.

DESCRIPTIVE SUMMARY

This pleading is a stipulation to withdraw the
objection filed against water right number 34-04039.

STIPULATION

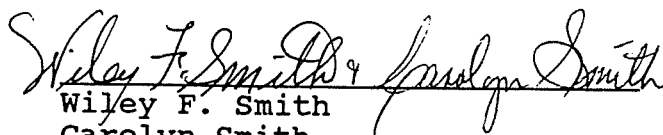
Pursuant to I.R.C.P. 41(a)(1) and the order of this
Court, the United States of America, by its undersigned counsel;
the Idaho Department of Water Resources, by its undersigned
counsel; and Wiley F. and Carolyn Smith, [by his/her undersigned
counsel], stipulate that the objection filed by the United States
to the recommendation made by the Director of the Idaho
Department of Water Resources to water right number 34-04039 is

hereby withdrawn. All parties agree to bear their own costs and attorneys' fees.

This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated:

CLAIMANT

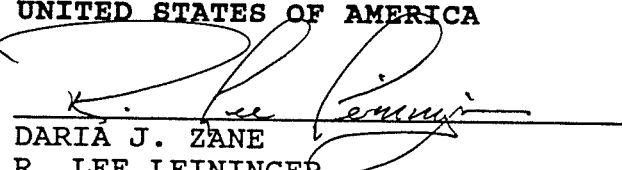

Wiley F. Smith
Carolyn Smith
Star Route
Mackay, Idaho 83251

Dated:

1/21/94

UNITED STATES OF AMERICA

by:


DARIA J. ZANE
R. LEE LEININGER
Attorneys
Env. and Natural Resources Division
U.S. Department of Justice
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-4134

Dated:

1/21/94

IDAHO DEPARTMENT OF WATER RESOURCES

by:

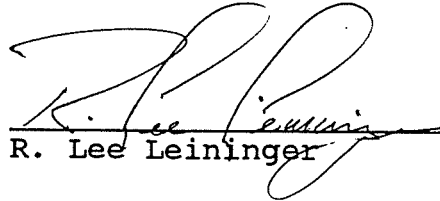

Lynne Krogh
Deputy Attorney General
State of Idaho
Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that the foregoing stipulation of withdrawal has been served via first class mail, pre-paid postage, this 26 day of January, 1994, upon the following individuals:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

Wiley F. and Carolyn Smith
Star Route
Mackay, Idaho 83251



R. Lee Leininger