



STATE OF IDAHO  
 OFFICE OF THE ATTORNEY GENERAL  
 LAWRENCE G. WASDEN

April 8, 2011

Clerk of the District Court  
 Snake River Basin Adjudication  
 P.O. Box 2720  
 Twin Falls, ID 83303-2707

RE: Stipulation to Partially Resolve Basin 37, Part 3 General Provision Objection (Little Wood River) Subcase No. 00-92037G3

Dear Clerk:

Enclosed for filing is the Stipulation to Partially Resolve Basin 37, Part 3 General Provision Objection (Big Wood River) for subcase no. 00-92037G3 (Stipulation). The parties to subcase 00-92037G3 signing off on this Stipulation are parties with a direct interest in Big Wood River water rights; not all parties involved in subcase 00-92037G3 were required to sign this Stipulation. As you recall, certain Little Wood River and Fish Creek water rights were addressed in the Stipulation to Partially Resolve Basin 37, Part 3 General Provision Objection (Little Wood River), which was filed on January 27, 2011.

A complete copy of this Stipulation was emailed to each Big Wood party to initial, sign and return to the department. Instead of filing each signed Stipulation separately, I am filing a copy of page 1 with all the signature and exhibit pages from each party attached. However, Deputy Attorney General Chris Bromley was notified earlier today by objector Dana Hofstetter that she would be withdrawing her objection via facsimile today rather than sign off on the Stipulation. As Special Master Bilyeu wanted the Stipulation filed no later than April 11, rather than delay filing to route a revised Stipulation without Ms. Hofstetter's signature line, I am filing the Stipulation as it was originally routed—you will note the blank signature line for Ms. Hofstetter—in anticipation of her faxed withdrawal.

Should you have any questions, please feel free to contact me at 208-287-4816. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Kelly".

Vicki Kelly,  
 Paralegal

Enc.

cc: Craig Hobdey, Albert Barker, James Speck, Linda Jones, James Laski, Patrick Brown, Charles McDevitt and Randall Budge

**IN THIS DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

<b>In Re SRBA:</b>	)	<b>Subcase No.: 00-92037G3</b>
	)	
<b>Case No. 39576</b>	)	<b>STIPULATION TO PARTIALLY</b>
	)	<b>RESOLVE BASIN 37, PART 3</b>
	)	<b>GENERAL PROVISION</b>
	)	<b>OBJECTION (BIG WOOD</b>
	)	<b>RIVER)</b>
	)	

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**INTRODUCTION**

Big Wood Canal Company, represented by Craig D. Hobdey, and Concerned Water Users represented by Albert P. Barker, objected to the recommendation for a General Provision on connected sources reported in the Director’s Report for Basin 37, Part 3, for Irrigation and Other Rights filed by the Idaho Department of Water Resources (IDWR) with the Court on or about February 21, 2007. Numerous other claimants and other parties filed objections and/or responses to the objections.

*A Stipulation to Partially Resolve Basin 37, Part 3 General Provision Objection (Little Wood River)* was filed with the Court on January 27, 2011 to resolve the issues of separate administration of all water rights subject to the jurisdiction of this Court where the source is the Little Wood River or one of its tributaries. The Objectors, and all parties to this Subcase who are claimants to water rights where the source is the Big Wood River or one of its tributaries, by and through their respective attorneys, after attending and participating in numerous settlement and status conferences, have reached an agreement as set forth below regarding the separate administration of all water rights subject to the jurisdiction of this Court where the source is the Big Wood River or one of its tributaries.

**STIPULATION**

The parties and IDWR agree and stipulate as follows:

1. For the Big Wood River and its tributaries, Attachment 1 to IDWR’s General Provision for Basin 37, Part 3, filed with the Court on or about February 21, 2007, should be amended and decreed according to Exhibit 1, attached hereto. All water rights listed in Exhibit 1, attached hereto, shall be administered separately pursuant to paragraph 1 of the General Provision.

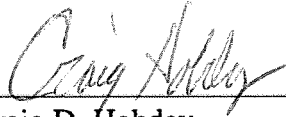
2. The parties have indicated their concurrence with the list of water rights contained in Exhibit 1 by signing this Stipulation.

3. If a holder of a right on Exhibit 1 seeks to change any element of such water right pursuant to Idaho Code § 42-222 or successor statute, IDWR shall examine injury, and shall consider the fact that this right was decreed as administered separately from all other rights in Basin 37.

4. This stipulation is determinative only for the proposition that the listed rights on Exhibit 1 shall be subject to separate administration and not whether any other rights authorized on any of those sources shall be administered separately.

5. All parties agree to pay their own costs and attorney fees in connection with this matter.

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

 4-6-11  
\_\_\_\_\_  
Craig D. Hobdey Date  
Attorney for Big Wood Canal Co.

\_\_\_\_\_  
Albert P. Barker Date  
Attorney for Concerned Water Users

\_\_\_\_\_  
James P. Speck Date  
Attorney for Carol Burdzy Thielen, Eagle  
Creek Irrigation Co., Sun Valley Long Term,  
Robert P. Dreyer, Wood River Land  
Trust, Charles L. Matthiesen and Lake  
Creek Meadows Homeowners Assn. Inc.

\_\_\_\_\_  
Dana L. Hofstetter Date  
Attorney for Victor U. and Dana L.  
Hofstetter

\_\_\_\_\_  
Linda B. Jones Date  
Attorney for Wells Fargo Bank

\_\_\_\_\_  
James R. Laski Date  
Attorney for Spring Creek Idaho Ranch

\_\_\_\_\_  
Patrick D. Brown Date  
Attorney for City of Hailey

\_\_\_\_\_  
Charles F. McDevitt Date  
Attorney for Idaho Foundation for Parks  
and Land

\_\_\_\_\_  
Randall C. Budge Date  
Attorney for Indian Creek Ranch Owners

**Exhibit 1**

<b>Priority Date</b>	<b>Water Right No.</b>
6/1/1883	37-139
9/1/1885	37-153A
9/1/1885	37-153B
9/1/1885	37-153C
9/1/1885	37-153D
6/1/1881	37-180
5/15/1883	37-181
6/1/1880	37-208A
6/1/1880	37-208B
6/1/1880	37-208C
6/1/1880	37-208D
6/1/1880	37-208F
6/1/1880	37-208G
5/15/1883	37-231A
5/15/1888	37-233
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4/1/1880	37-296C
6/30/1888	37-305
3/24/1883	37-310A
6/1/1881	37-449B
4/1/1880	37-466
6/1/1880	37-548
6/30/1882	37-549
5/15/1881	37-653
7/1/1888	37-655A
7/1/1888	37-655B
8/1/1907	37-717
10/6/1902	37-863E
10/6/1902	37-863F
6/30/1888	37-1153A
6/30/1888	37-1153B
6/30/1888	37-1154
5/1/1884	37-1187
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12/31/1948	37-4138
12/31/1926	37-4139
4/15/1939	37-11390
8/23/1957	37-12396
6/1/1931	37-19740
3/24/1883	37-19831
5/15/1881	37-21476
5/15/1881	37-21477
4/15/1911	37-21478
6/1/1881	37-21575
6/1/1881	37-21576
6/1/1883	37-22065

<b>Priority Date</b>	<b>Water Right No.</b>
6/1/1883	37-22066
6/1/1883	37-22067
6/1/1883	37-22068
6/1/1883	37-22069
6/1/1883	37-22070

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9/1/1885	37-153C
9/1/1885	37-153D
6/1/1881	37-180
5/15/1883	37-181
6/1/1880	37-208A
6/1/1880	37-208B
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6/1/1881	37-21576
6/1/1883	37-22065

Priority Date	Water Right No.
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6/1/1883	37-22067
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6/1/1883	37-22070

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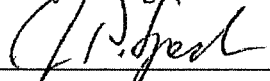
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Attorney for Big Wood Canal Co.

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Priority Date Water Right No.

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**Exhibit 1**

Priority Date	Water Right No.
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6/1/1883	37-22068
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6/1/1883	37-22070

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6/1/1881	37-21576
6/1/1883	37-22065

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Priority Date	Water Right No.
6/1/1883	37-22066
6/1/1883	37-22067
6/1/1883	37-22068
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10/6/1902	37-863F
6/30/1888	37-1153A
6/30/1888	37-1153B
6/30/1888	37-1154
5/1/1884	37-1187
6/1/1881	37-1207
4/1/1884	37-1216
6/9/1911	37-1222
6/24/1909	37-2142
5/27/1919	37-2386
5/27/1919	37-2386B
5/27/1919	37-2386C
12/31/1948	37-4138
12/31/1926	37-4139
4/15/1939	37-11390
8/23/1957	37-12396
6/1/1931	37-19740
3/24/1883	37-19831
5/15/1881	37-21476
5/15/1881	37-21477
4/15/1911	37-21478
6/1/1881	37-21575
6/1/1881	37-21576
6/1/1883	37-22065

Priority Date	Water Right No.
6/1/1883	37-22066
6/1/1883	37-22067
6/1/1883	37-22068
6/1/1883	37-22069
6/1/1883	37-22070

CB

CD

SM<sup>e</sup>

IDWR CONCURRENCE:

Carter Fritschle 4-6-11  
Carter Fritschle Date  
Manager, Adjudication Section

IDWR CONCURRENCE:

CMB 4/6/11  
Christopher M. Bromley Date  
Deputy Attorney General, IDWR

Exhibit 1

Priority Date Water Right No.

6/1/1883 37-139  
9/1/1885 37-153A  
9/1/1885 37-153B  
9/1/1885 37-153C  
9/1/1885 37-153D  
6/1/1881 37-180  
5/15/1883 37-181  
6/1/1880 37-208A  
6/1/1880 37-208B  
6/1/1880 37-208C  
6/1/1880 37-208D  
6/1/1880 37-208F  
6/1/1880 37-208G  
5/15/1883 37-231A  
5/15/1888 37-233  
4/1/1880 37-296A  
4/1/1880 37-296B  
4/1/1880 37-296C  
6/30/1888 37-305  
3/24/1883 37-310A  
6/1/1881 37-449B  
4/1/1880 37-466  
6/1/1880 37-548  
6/30/1882 37-549  
5/15/1881 37-653  
7/1/1888 37-655A  
7/1/1888 37-655B  
8/1/1907 37-717  
10/6/1902 37-863E  
10/6/1902 37-863F  
6/30/1888 37-1153A  
6/30/1888 37-1153B  
6/30/1888 37-1154  
5/1/1884 37-1187  
6/1/1881 37-1207  
4/1/1884 37-1216  
6/9/1911 37-1222  
6/24/1909 37-2142  
5/27/1919 37-2386  
5/27/1919 37-2386B  
5/27/1919 37-2386C  
12/31/1948 37-4138  
12/31/1926 37-4139  
4/15/1939 37-11390  
8/23/1957 37-12396  
6/1/1931 37-19740  
3/24/1883 37-19831  
5/15/1881 37-21476  
5/15/1881 37-21477  
4/15/1911 37-21478  
6/1/1881 37-21575  
6/1/1881 37-21576  
6/1/1883 37-22065

Priority Date Water Right No.

6/1/1883 37-22066  
6/1/1883 37-22067  
6/1/1883 37-22068  
6/1/1883 37-22069  
6/1/1883 37-22070

CB

CA

## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the STIPULATION TO PARTIALLY RESOLVE BASIN 37, PART 3 GENERAL PROVISION OBJECTION (BIG WOOD RIVER) in subcase no. 00-92037G3 was mailed on April 2<sup>nd</sup>, 2011, with sufficient first-class postage to the following:

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