

RECEIVED

7-19  
JUL 20 1995

Department of Water Resources  
Adjudication Bureau

RECEIVED

JUL 19 1995

OFFICE OF THE  
ATTORNEY GENERAL

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     | ) | STANDARD FORM 5          |
|                | ) |                          |
| CASE NO. 39576 | ) | SUBCASE NO: 34-11645     |
|                | ) |                          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

---

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

IDWR and the parties stipulate that water right no. 34-11645 is correctly described in the director's report.

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signature and Address of Parties and their Attorney of Record (attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources  
Address: P.O. Box 83720  
City/State/Zip: Boise, ID 83720-0098  
Attorney of Record: Susan E. Hamlin/  
A. Lynne Krogh

Name: Young Harvey Walker  
Address: Route 1, Box 200  
City/State/Zip: Arco, ID 83213  
Attorney of Record:

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

 5-1-95  
\_\_\_\_\_  
Party's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

Name: United States on behalf of the  
USDA Forest Service through the  
Department of Justice  
Address: 380 E. Parkcenter, Suite 330  
City/State: Boise, Idaho 83706  
Attorney of Record: Randall J. Bramer

\_\_\_\_\_  
Party's Signature

\_\_\_\_\_  
Date

 7/15/95  
\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Date

## INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties indentified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

### CERTIFICATE OF MAILING

I certify that on July 18TH, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

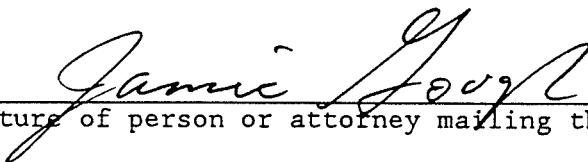
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83702  
Boise, ID 83720-0098

United Stated on behalf of the  
USDA Forest Service through the  
Department of Justice  
380 E. Parkcenter, Suite 330  
Boise, ID 83706

Young Harvey Walker  
Route 1, Box 200  
Arco, ID 83213

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

A. LYNNE KROGH  
SUSAN E. HAMLIN  
Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 44449  
Boise, ID 83711-4449  
Telephone: (208) 327-7920  
Fax: (208) 327-7866

Attorneys for IDWR

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     | ) | Sub-case No. 34-11645 |
|                | ) |                       |
|                | ) |                       |
| Case No. 39576 | ) |                       |
|                | ) |                       |
|                | ) | STIPULATION           |
|                | ) |                       |

---

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-11645.

STIPULATION

To resolve the dispute over the above-captioned water rights, the Idaho Department of Water Resources (IDWR), the United States of America (the claimant), and Young Harvey Walker (the objector), stipulate and agree that:

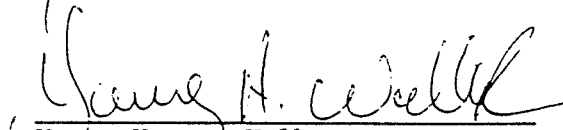
1. The Standard Form 5 for water right number listed above, attached hereto and incorporated by reference herein, sets forth the description of the water right as described in the director's report. All decrees, whether partial or final, should describe the water rights as shown in the director's report.

2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

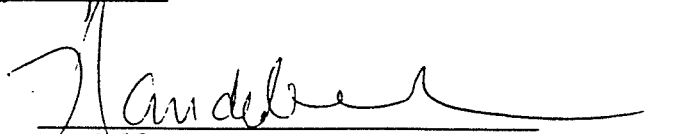
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and the stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 1 day of May, 1995.

  
Young Harvey Walker  
Objector

Dated this 18 day of July, 1995.

  
Randall J. Bramer  
Attorney  
United States Department of Agriculture  
United States of behalf  
of the USDA Forest Service  
through the Department of Justice

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
A. Lynne Krogh  
Deputy Attorney General  
Idaho Department of Water Resources

\_\_\_\_\_  
Susan E. Hamlin  
Deputy Attorney General  
Idaho Department of Water Resources