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Department of Water Resources
Adjudication Bureau

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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: 34-11948
	)	
	)	
	)	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. 34-11948 is correctly described in the director's report.

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

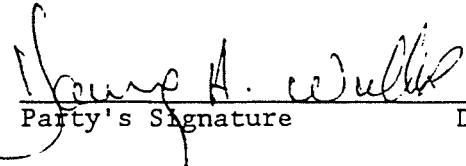
Signature and Address of Parties and their Attorney of Record (attach additional page if necessary)

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

 5-195

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

 7/16/95

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 Jamie 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:

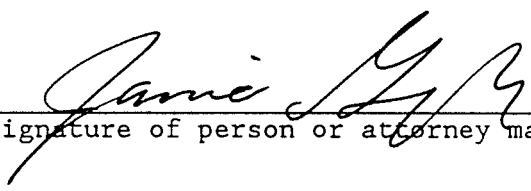
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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. 34-11948
	)	
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-11948.

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:

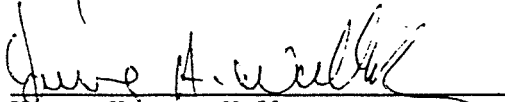
1. The Standard Form 5 for water right number listed above, attached hereto and incorporated by reference herein, sets forth the description of the water right as described in the director's report. All decrees, whether partial or final, should describe the water rights as shown in the director's report.

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.

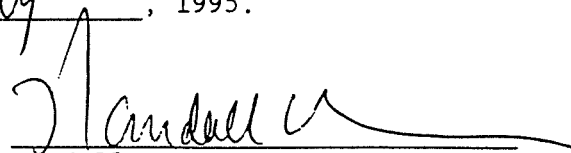
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

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

JOINT SETTLEMENT AGREEMENT

WHEREAS, the parties, the United States and Young Harvey Walker, have agreed to a resolution of Young Harvey Walker's objection to water right claim numbers 34-11947 and 34-11948 in the Snake River Basin Adjudication; and

WHEREAS, the Court of the SRBA, which has jurisdiction over water right claim numbers 34-11947 and 34-11948, has stayed all proceedings by order of Judge Hurlbutt on April 19, 1994;

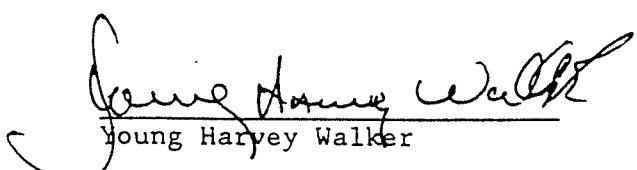
WHEREAS, the Court will not accept documents until such time as the Court deems appropriate;

WHEREAS, the role of the Idaho Department of Water Resources (IDWR) pursuant to the recently enacted adjudication statutes and the necessity to include the IDWR as a party in any stipulated agreement has not been determined;

THE PARTIES AGREE AS FOLLOWS:

1. Young Harvey Walker will withdraw his objections to the United States water rights numbers 34-11947 and 34-11948.
2. A copy of each claim as recommended in the Directors Report is attached.
3. All revised recommendations in the IDWR Director's Report concerning this water right claim and future decrees, whether partial or final, should continue as printed in the Director's Report.
4. The objections to these water rights shall be withdrawn.
5. All parties agree to bear their own costs and attorneys fees in connection with this matter.
6. This agreement is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.
7. This agreement resolves all objections of Young Harvey Walker to water right numbers 34-11947 and 34-11948.
8. The parties agree to submit to the Court after the lifting of the stay, a stipulation to resolve Young Harvey Walker's objections. Such stipulation will incorporate the terms of this settlement agreement in a format acceptable to the Court.

Dated: Sept 8, 94

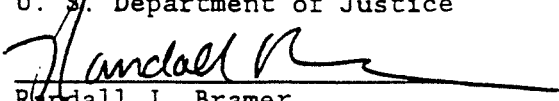

Young Harvey Walker

Dated:

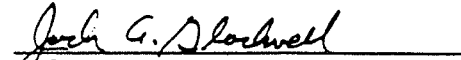
UNITED STATES OF AMERICA
on behalf of the
Forest Service

Daria J. Zane
Attorney
General Litigation Section
Environment & Natural Resources
Division
U. S. Department of Justice

By:



Randall J. Bramer
Special Assistant United States
Attorney
U. S. Department of Justice
Boise, Idaho

for 

Dale N. Bosworth
Regional Forester
Intermountain Region
USDA Forest Service
Ogden, Utah

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE FROM TO	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-11947	UNITED STATES OF AMERICA, ACTING THROUGH 05/01/1876 STOCKWATER USDA FOREST SERVICE 324 25TH ST OGDEN UT 84401			04-01 07-31	.02	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.02 CFS
	NON-IRRIGATION-USES: STOCKWATER, 484 HEAD CATTLE POINT OF DIVERSION: T05N R28E S26 SHW PLACE OF USE: STOCKWATER					
	REMARKS: T05N R28E S26 SHW THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. FOREST SERVICE RECORD ID 04 06 17040217 20 0 0018 0					

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: SPRING

TRIBUTARY: SINKS

34-11946	UNITED STATES OF AMERICA, ACTING THROUGH 05/01/1876 STOCKWATER USDA FOREST SERVICE 324 25TH ST OGDEN UT 84401			06-01 10-31	.02	CFS BENEFICIAL USE
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NON-IRRIGATION-USES:

TOTAL QUANTITY: .02 CFS

STOCKWATER, 484 HEAD CATTLE

POINT OF DIVERSION:

105N R27E S14

NWSW

PLACE OF USE: STOCKWATER

105N R27E S14

NWSW

REMARKS:

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
FOREST SERVICE RECORD ID 04 06 17040217 20 0 0011 0

34-11948	UNITED STATES OF AMERICA, ACTING THROUGH 05/01/1876 STOCKWATER USDA FOREST SERVICE 324 25TH ST OGDEN UT 84401-2394			04-01 07-31	.02	CFS BENEFICIAL USE
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NON-IRRIGATION-USES:

TOTAL QUANTITY: .02 CFS

STOCKWATER, 484 HEAD CATTLE

POINT OF DIVERSION:

105N R28E S26

SESW

PLACE OF USE: STOCKWATER

105N R28E S26

SESW

REMARKS:

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
FOREST SERVICE RECORD ID 04 06 17040217 20 0 0019 0