

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: 34-04190-25 |
|                | ) |                         |
|                | ) |                         |
|                | ) | PROPOSED ELEMENTS OF A  |
|                | ) | WATER RIGHT             |
|                | ) |                         |

This form is used to report the stipulated elements of one water right under state law or one water right acquired under federal reserved water right. Submission of this form will not automatically result in the 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 that they 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).

The parties agree that the elements of the water right should be decreed as stated in the Director's Report, copy of which is attached as Exhibit 1.

**Signatures and Addresses 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: Glenn T. Guthrie  
Address: Box 319  
City/State/Zip: Arco, Idaho 83213  
Attorney of Record:

Glenn T. Guthrie 9-5-95  
Party's Signature Date

Name: United States through  
Dept. of Justice  
Address: 601 Pennsylvania Ave., NW  
City/State/Zip: Washington, D.C. 20004  
Attorney of Record: Daria J. Zane  
R. Lee Leininger

[Signature] 7/11/95  
Attorney's Signature Date

### BASIS OF CLAIM

## TRIBUTARY: SINKS

**BENEFICIAL USE**

**.23 CFS**

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**CHY**

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## INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified 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 Sep 7, 19995, 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:

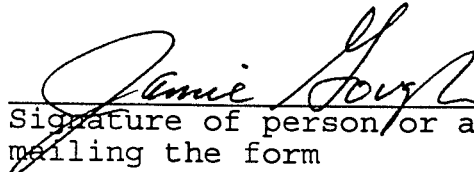
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

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

U.S. Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Glenn T. Guthrie  
Box 319  
Arco, ID 83213

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

RECEIVED

SEP 07 1995

Department of Water Resources  
Adjudication Bureau

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     | ) | Subcase No. 34-04190-25 |
|                | ) |                         |
| Case No. 39576 | ) | STIPULATION             |
|                | ) |                         |
| _____          | ) |                         |

**DESCRIPTIVE SUMMARY**

This is a stipulation to resolve the objection to water right number 34-04190-25.

**STIPULATION**

To resolve the dispute over the above-captioned water right, the United States of America (the claimant), and Glenn T. Guthrie (the objector), stipulate and agree that:

1. Exhibit 1 to the Standard Form 5 for water right no. 34-04190-25, attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed by the parties. All decrees, whether partial or final, should describe the water right as shown on Exhibit 1 to the Standard Form 5.

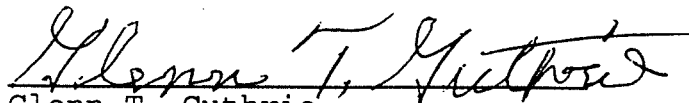
2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest 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.

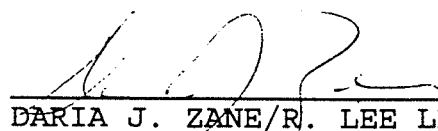
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this 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 5 day of Sept., 1995.

  
Glenn T. Guthrie  
Objector

Dated this 16 day of August, 1995.

  
DARIA J. ZANE/R. LEE LEININGER  
Attorneys  
General Litigation Section  
Env. & Natural Resources Div.  
U.S. Department of Justice