

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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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.34-04174
	)	
Case No. 39576	)	Stipulation to Resolve
	)	Objection
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the United States' objection to all elements of water right number 34-04174 except priority date.

STIPULATION

To resolve the dispute over the above-captioned water right, the claimant and the objector, the United States of America, and the Idaho Department of Water Resources (IDWR), stipulate and agree as follows:

Stipulation to Resolve Objection

1. The water right is accurately described in Exhibit 1, a revised page of the Director's report showing specific changes made to the Director's original recommendation in an underline/overstrike format.

2. The water right as described on Exhibit 1 does not include an agreement as to the priority date. The parties have not to date reached an agreement as to priority date, so this element is left blank on Exhibit 1.

3. All decrees, whether partial or final, should describe the water right as modified and described in Exhibit 1.

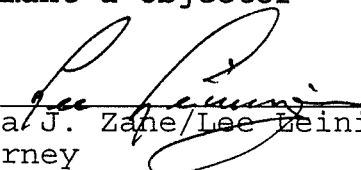
4. All parties agree to bear their own costs and attorneys' fees in connection with the matters resolved by this stipulation.

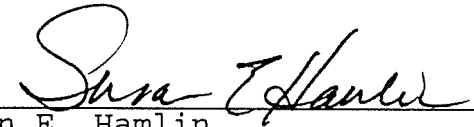
5. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

Respectfully submitted,

UNITED STATES OF AMERICA,
on behalf of the BLM,
Claimant & Objector

IDAHO DEPARTMENT OF WATER
RESOURCES

By: 
Daria J. Zane/Lee Weininger
Attorney
General Litigation Section
Environment & Natural
Resources Division
U.S. Department of Justice

By: 
Susan E. Hamlin
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83702
(208) 327-7920

Dated: 6/13/95

Dated: 6/14/95

Stipulation to Resolve Objection

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: UNNAMED STREAM TRIBUTARY: MARSH CANYON CREEK

34-04174	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706		at issue	STOCKWATER	D1-01 12-31	0.05 CFS BENEFICIAL USE
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TOTAL QUANTITY: 0.05 CFS

NON-IRRIGATION USES:

STOCKWATER, 145 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T05N R25E S07 LOT 3 (SNMSH) (B)
SWSSE (E)

PLACE OF USE: STOCKWATER

T05N R25E S07 Lot 3 (NMSH)

Lot 4 (SMSH)

SESM

SWSSE

S18 Lot 1 (NMMW)

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.

BLM RECORD ID = 3403488139

SOURCE IS ALSO KNOWN AS SOUTH FORK MARSH CANYON.