

**Movant's Name:**

UNITED STATES OF AMERICA

**Attorneys' Names and Addresses:**

LOIS J. SCHIFFER  
Assistant Attorney General  
Environment and Natural Resources Division

PETER C. MONSON  
Attorney, Department of Justice  
Indian Resources Section  
Environment and Natural Resources Division

DARIA J. ZANE  
R. LEE LEININGER  
Attorney, Department of Justice  
General Litigation Section  
Environment and Natural Resources Division  
P.O. Box 663  
Washington, D.C. 20044-0663  
(202) 272-8351, (202) 272-4692

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.34-04188    |
|                | ) |                        |
| 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 34-04188 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.

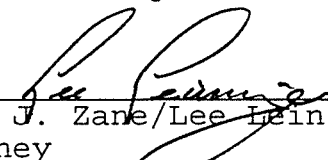
4. All parties agree to bear their own costs and attorneys' fees in connection with the matters resolved by this stipulation.

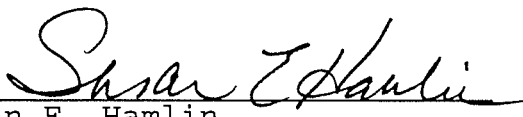
5. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

Respectfully submitted,

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

IDAHO DEPARTMENT OF WATER  
RESOURCES

By:   
Daria J. Zane/Lee Heininger  
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

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-18-1995  
PAGE: A-1

| RIGHT<br>NUMBER | NAME & ADDRESS | PRIORITY | PURPOSE OF USE | PERIOD OF USE |    | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|-----------------|----------------|----------|----------------|---------------|----|---------------------|----------------|
|                 |                | DATE     |                | FROM          | TO |                     |                |

SOURCE: NEWMAN CANYON CREEK      TRIBUTARY: HAMMOND CANYON CREEK

|          |                                                                                                                    |  |          |            |             |          |                |
|----------|--------------------------------------------------------------------------------------------------------------------|--|----------|------------|-------------|----------|----------------|
| 34-04188 | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706 |  | at issue | STOCKWATER | 01-01 12-31 | 0.05 CFS | BENEFICIAL USE |
|----------|--------------------------------------------------------------------------------------------------------------------|--|----------|------------|-------------|----------|----------------|

NON-IRRIGATION USES:

TOTAL QUANTITY: 0.05 CFS

STOCKWATER, 140 CATTLE, 2 HORSES, WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T04N R25E S07

S09      NWSW (B)  
         NESW (E)

PLACE OF USE: STOCKWATER

T04N R25E S04  
S05

NENW      NWNW  
NENE      SENE  
SWSW      SWSW  
SESE      SESE

SWNW      SENE  
SENE      NESE  
NENE      NESE

NWSW  
SESW  
SESE

S06  
S07

SWSW      SESE  
NENE      SENE  
NWSW      SWSW  
NENE      SWSW

NENW      SENE  
SENE      NESE  
NENE      NESE

SWNW  
SESW  
SESE

S08  
S09

NWSW      SENE  
NENE      SENE  
NWSW      SWSW  
NENE      SWSW

NENW      SENE  
SENE      NESE  
NENE      NESE

SWNW  
SESW  
SESE

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 = 3403488153