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Movant's Name:

UNITED STATES OF AMERICA

Department of Water Resources
Adjudication Bureau

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. 36-00192
Case No. 39576	)	
	)	
_____	)	

STIPULATION TO DISMISS OBJECTION AND
DISMISS THE UNITED STATES AS A PARTY

The parties, the Big Bend Irrigation & Mining Company and the United States, submit this stipulation resolving the objection filed by the United States in this subcase. As support for this stipulation, the parties state that:

1. Big Bend Irrigation & Mining Company filed this claim on or about August 31, 1988. The purpose of use of the right as claimed is irrigation, domestic and stockwater. The source of the claim is Lower Tucker Springs.

2. Subsequently, the claim was recommended. In issuing the Director's Report, IDWR included certain general provisions

that allegedly apply to all rights, including this right, in the Reporting Area, which consists of Basin 36.

3. On or about April 20, 1993, claimant, Big Bend Irrigation & Mining Company filed an objection to this claim objecting to quantity, period of year, places of use, consumptive use, remarks and general provisions.

4. On or about April 29, 1993, the United States filed an objection to this claim. The objection primarily was aimed at certain General Provisions and their application to this claim.

5. IDWR filed a response to the objections. IDWR attached to that response a proposed amended recommendation.

6. Subsequently, the matter was stayed pending the resolution of the constitutionality of the 1994 amendments to the adjudication statute.

7. The Idaho Department of Fish and Game filed a Motion to File a Late Response or, in the Alternative, Motion to Participate on or about August 18, 1995. That motion is currently pending. It is scheduled to be heard on December 4, 1995. At present, the Idaho Department of Fish and Game is not a party to this subcase.

8. On or about September 7, 1995, a motion to designate Basinwide Issue No. 5 was filed. That motion asked that the issue of General Provisions be designated as a basinwide issue.

9. The issues raised by the United States' objections relate to General Provisions. The United States does not wish to pursue its objections in this subcase.

10. The United States counsel has discussed this matter

CERTIFICATE OF SERVICE

I certify that on the 4th day of December, 1995, I served a true and correct copy of the Stipulation to Dismiss Objection and Dismiss the United States as a Party in Subcase 36-00192 was served by telefax on the the following individuals:

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 (by fax)
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449
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