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ATTORNEYS FOR IDAHO
DEPARTMENT OF WATER RESOURCES

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. 36-00033F
	)	
Case No. 39576	)	STIPULATION TO PARTIALLY
	)	RESOLVE OBJECTION

Descriptive Summary

This document is a stipulation to partially resolve the objection to water right number 36-00033F, filed on behalf of claimant Gustafson Family Trust.

Stipulation

To resolve the dispute over the above-listed water right, the Idaho Department of Water Resources (IDWR) and the Gustafson Family Trust (claimant/objector), stipulate and agree as follows:

1. With the exception described in paragraph 2, below, which is hereby expressly reserved for future resolution, contested water right number 36-00033F is accurately described in Exhibit 1, attached hereto and incorporated by reference herein.

STIPULATION TO PARTIALLY RESOLVE OBJECTION, Page 1

2. The delivery of the full quantity of water recommended to water right number 36-00033F may be subject to certain limitations contained in a memorandum opinion entered by the district court of the Fifth Judicial District, in the case of Jones, et al. v. Reservoir Land Company, Inc., et al., (Memorandum Opinion, entered April 27, 1979, Gooding County Civil Case No. 16676). It has not yet been determined whether such limitations need to be included in the description of this water right. This issue will be addressed as appropriate by the parties at a later date.

3. With the exception of the possible limitations referenced in paragraph 2, above, all decrees, whether partial or final, should describe the water right as shown in Exhibit 1.

4. Upon entry of the partial and final decrees for water right number 36-00033F, the objection of the claimant, Gustafson Family Trust, shall be deemed withdrawn.

5. This stipulation has 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.

6. Both parties agree to bear their own costs and attorneys' fees in connection with this matter.

7. This stipulation was 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 _____ day of March, 1996.

Berrie E. Gustafson Co-Trustee
David J. Gustafson - Co-Trustee
TRUSTEE
Gustafson Family Trust

DATED this 5TH day of March, 1996.

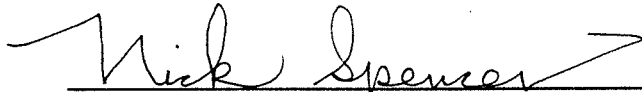
Nick Spencer
NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on the 13TH day of MARCH, 1996, I served a true and correct copy of the foregoing STIPULATION TO PARTIALLY RESOLVE OBJECTION on the each of the following persons by first class mail, postage prepaid, to the address or addresses listed below.

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

U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, Idaho 83724



NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

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

RIGHTS FROM: SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00033F

NAME AND ADDRESS: GUSTAFSON FAMILY TRUST
~~IRAN GUSTAFSON~~
PO BOX 209
HAGERMAN ID 83332

SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.75 CFS
~~0.139 CFS~~

PRIORITY DATE: 03/08/1902

POINT OF DIVERSION: T07S R14E S30 SENESW

PURPOSE OF USE:	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	<u>0.75 CFS</u>
		~~0.139 CFS~~

PLACE OF USE: IRRIGATION
T07S R13E S27 NESE 11.0
11.0 ACRES TOTAL
~~NESE 13.0~~
111.310 ACRES TOTAL

CONSUMPTIVE USE: 33.0 AFY
9.0 AFY

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
A DIVERSION RATE OF 0.129 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
0.110 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND
NORTH PIPELINE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND
NORTH PIPELINE.

