

A-3

Movants' Names:

UNITED STATES OF AMERICA

GEM IRRIGATION DISTRICT

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Env. & Natural Resources Div.

BRAD FLINDERS, Esquire
Stunz, Fonda, Nichols,
Kiyuna, Horton & Flinders
106 Main Street
P.O. Box 1565
Nyssa, Oregon 97913
(541) 372-2268

DARIA J. ZANE
Attorney, Department of Justice
General Litigation Section
Env. & Natural Resources Div.
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0471

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. 57-02118
Case No. 39576	)	
	)	
_____	)	

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

The parties, GEM Irrigation District, and the United States, submit this stipulation resolving the objections filed by the United States. As support for this stipulation, the parties state that:

1. GEM Irrigation District filed claims in the following subcases: 57-02118, 57-02177, 57-04104, 57-10854, 57-10912 and 57-10913. The purpose of use of the rights are irrigation.
2. Subsequently, the claims were recommended by IDWR in its Director's Report.
3. The United States, on behalf of the Bureau of Reclamation, filed objections to these claims.

4. The United States also filed a claim in 57-10807. IDWR recommended that this claim be disallowed.

5. Subsequently, this subcase was consolidated with the following subcases: 57-02177, 57-04104, 57-10807, 57-10854, 57-10912 and 57-10913.

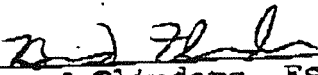
6. The parties have discussed this matter and agreed that the United States' objections in each of these subcases are no longer necessary.

7. The parties agree that the water rights filed by GEM Irrigation District, Subcase Nos. 57-02177, 57-02118, 57-04104, 57-10807, 57-10854, 57-10912 and 57-10913 should be decreed as recommended. The parties further agree that the water right filed by the United States on behalf of the Bureau of Reclamation, Subcase No. 57-10807, should not be decreed.

8. The United States counsel has discussed this matter with the Idaho Department of Water Resources and it has no objection to the withdrawal of the United States' objections and the dismissal of the United States as a party to these subcases.

WHEREFORE, for the foregoing reasons, the parties stipulate to and request that the Court dismiss the objections filed by the United States and dismiss the United States as a party to these subcases.

Respectfully submitted,


Brad Flinders, Esquire
Stunz, Fonda, Nichols,
Kiyuna, Horton & Flinders
P.O. Box 1565
106 Main Street
Nyssa, Oregon 97913
Attorney for GEM Irrigation
District

Date: 4-2-96


Daria J. Zane, Attorney
U.S. Department of Justice
Env. & Nat. Resources Div.
550 W. Fort St., MSC 033
Boise, Idaho 83724
Attorney for United States
on behalf of the Bureau of
Reclamation

Date: 4/2/96

CERTIFICATE OF SERVICE

I certify that on this 31 day of April, 1996, I served a true and correct copy of the Stipulation to Dismiss Objection and Dismiss the United States as a party in the subcases consolidated under No. 57-02118, by fax and/or by first class, postage prepaid mail upon the following individuals:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303-2707
208/736-2121 (by fax)

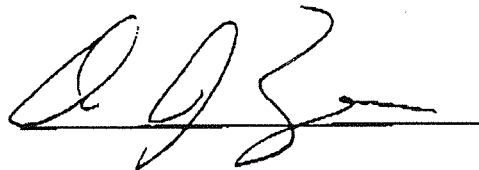
2. Copies to:

Brad Flinders, Esquire
Stunz, Fonda, Nichols,
Kiyuna, Horton & Flinders
106 Main Street
P.O. Box 1565
Nyssa, Oregon 97913
541/372-2848 (by fax and mail)

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, Idaho 83720-0098
208/334-2690 (by fax)

3. Courtesy copy to:

Richard Burleigh
Deputy Attorney General
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702
208/327-5400 (by fax)



4/3/96

TO: SRBA Court, 208/736-2121
Brad Flinders, 541/372-2848
Idaho AG, 208/334-2690
IDWR, 208/327-5400
CACI, 208/387-0842
K. Carr, 208/334-1378
P. Graf, 208/378-5305

FROM: Daria Zane

RE: For filing, Subcase 57-02118

Total pages, 5