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Department of Water Resources

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Attorneys for Billingsley Creek Ranch

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 NOS. 36-11060, 36-15462
	)	and 36-00046
Case No. 39576	)	<u>STIPULATION</u>
	)	
	)	

COME NOW Donnie McFadden and Billingsley Creek Ranch, by and through their counsel of record, Gary D. Slette of Rosholt, Robertson & Tucker, and John W. Jones, Jr., and Deloris D. Jones, by and through their counsel of record, Patrick D. Brown of Hepworth, Lezamiz & Hohnhorst, and stipulate as follows:

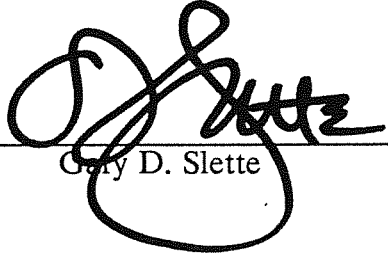
1. Jones stipulate to the entry of summary judgment by the court with regard to SRBA Claim Nos. 36-11060, 36-15462 and 36-00046, provided that the summary judgment would ultimately determine that McFadden and Billingsley Creek Ranch would be entitled to 3.5 cfs of water on an annual basis from April 1 through September 30, inclusive, and 4.0 cfs from the same source from October 1 through March 31.

2. This Stipulation is executed to put into force and effect the settlement agreement between Jones and McFadden, which reflects a compromise of each party

1 based on disputed facts concerning the parties' use of water from Three Springs. In the
2 event the court does not grant the motion for summary judgment which would effectuate
3 the settlement as agreed between McFadden and Jones, this Stipulation shall be null and
4 void, and of no further force or effect.

5 DATED this 27 day of June, 1996.

7 ROSHOLT, ROBERTSON & TUCKER

8
9 By 

Gary D. Slette

10
11 DATED this 1 day of July, 1996.

12
13 HEPWORTH, LEZAMIZ & HOHNHORST

14
15 By 

Patrick D. Brown

CERTIFICATE OF MAILING

I hereby certify that on the 1 day of July, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to (insert names and addresses):

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
133 Shoshone Street North
P.O. Box 389
Twin Falls, ID 83303-0389

A. Lynne Krogh
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237



Gary D. Slette