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Parties' Names:

UNITED STATES OF AMERICA

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
G. DAVID NELSON, LOLA
COATES, AND SAN FELIPE
RANCHESAttorneys' Names and Addresses:LOIS J. SCHIFFER
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34-7232 e tail

**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.:	See Attached
	)		Exhibit A
	)		
	)	STIPULATION TO RESOLVE	
Case No. 39576	)	OBJECTIONS	
	)		

Descriptive Summary

This is the United States of America, acting on behalf of the United States Bureau of Land Management (BLM) and San Felipe Ranches, Mr. G. David Nelson and Mrs. Lola Coates' stipulation to resolve objections filed to the above-referenced subcases in basin 34.

STIPULATION TO RESOLVE OBJECTIONS

Stipulation

WHEREAS, the intent of this stipulation is to resolve all objections and motions for late objections of the parties, San Felipe Ranches, Mr. G. David Nelson and Ms. Lola Coates to claims for stockwater filed by the United States through the BLM in basin 34;

WHEREAS, as a means to resolve all such objections the United States agrees to subordinate the priority date of stockwater rights claimed by the United States through the BLM to a date junior to water rights for irrigation use filed by San Felipe Ranches, Mr. G. David Nelson or Ms. Lola Coates;

WHEREAS, the BLM stockwater rights the parties agree to subordinate are those rights located downstream or hydrologically down-gradient which may be used to place a call for water on upstream irrigation rights claimed by San Felipe Ranches, Mr. G. David Nelson or Ms. Lola Coates;

WHEREAS, the parties have diligently attempted to identify all downstream BLM water rights that may be used to effect a call on the upstream irrigation rights of San Felipe Ranches, Mr. G. David Nelson and Ms. Lola Coates;

THEREFORE, the parties stipulate as follows:

1. a) The following water rights of the United States claimed on behalf of the BLM for stockwatering purposes, specifically,

34-12536	34-12542	34-12894
34-12536A	34-12542A	34-12894A
34-12537	34-12569	34-12895
34-12537A	34-12569A	34-12895A
34-12538	34-12570	34-13322
34-12538A	34-12570A	34-13322A
34-12539	34-12573	34-13338
34-12539A	34-12573A	34-13407
34-12540	34-12574	34-13408
34-12540A	34-12574A	34-13409
34-12541	34-12575	
34-12541A	34-12575A	

and such other rights in Basin 34 that may be used to place a call for water on upstream irrigation rights of San Felipe Ranches, Mr. G. David Nelson and Ms. Lola Coates, shall be administered junior to the following water rights:

34-00030	34-00336	34-10555
34-00103	34-00347	34-10557
34-00139	34-00611B	34-10558
34-00142	34-00612B	34-10563
34-00145	34-00613B	34-10619
34-00208A	34-00633	34-10620
34-00208B	34-00637E	34-10635
34-00334	34-10532	
34-00335	34-10553	

b) The claims to water rights by the United States specifically referenced in subparagraph 1(a) above shall state in the decrees for those rights, under the element of priority date:

"This right shall be administered junior to water rights 34-00030, 34-00103, 34-00139, 34-00142, 34-00145, 34-00208A, 34-00208B, 34-00334, 34-00335, 34-00336, 34-00347, 34-00611B, 34-00612B, 34-00613B, 34-00633, 34-00637E, 34-10532, 34-10553, 34-10555, 34-10557, 34-10558, 34-10563, 34-10619, 34-10620, and 34-10635."

2) a) The following water right of the United States,

34-13392

claimed on behalf of the BLM for stockwatering purposes, shall be administered junior to the following water rights:

34-10538 34-12399

b) Water right 34-13392 claimed by the United States and referenced in subparagraph 2(a) above shall state in the decree for that right, under the element of priority date:

"This right shall be administered junior to water rights 34-10538 and 34-12399."

3) For the United States' water rights on the attached Exhibit A made pursuant to and based upon the laws of the State of Idaho, the purpose of use is stockwatering as defined in I.C. 42-1401A(12) (1994 Supp.).

4) The United States agrees to the settlement of its objection in subcase number 34-10635. The parties to subcase no. 34-10635 further agree to submit to the SRBA Court within a reasonable time the Standard Form No. 5 to resolve this objection which is attached as Exhibit B.

- 5) The United States agrees to the settlement of its objection in subcase number 34-10555 pursuant to the revised description of 34-10555 in the amended Director's Report recommendation attached as Exhibit C. The parties to subcase 34-10555 further agree to submit to the SRBA Court within a reasonable time a Standard Form No. 5 to resolve this objection.
- 6) San Felipe Ranches, Mr. G. David Nelson and Ms. Lola Coates agree to the settlement of their objections to the water rights claimed by the United States listed on the attached Exhibit A.
- 7) All objections to subcases listed on the attached exhibit A and to subcases 34-10555 and 34-10635 are resolved upon submission to the Court of the Standard Forms No. 5 for these subcases. Parties agree not to pursue in the SRBA challenges or objections to the subcases listed on the attached Exhibit A or subcase nos. 34-10555 and 34-10635, following the submission of Standard Forms No. 5 resolving objections to these subcases, unless this agreement becomes void.
- 8) San Felipe Ranches and Lola Coates agree to withdraw without prejudice within two weeks of the date of execution of this stipulation the Amended Motion of Lola Coates and San Felipe Ranches for Leave to File Late Objections for 187 subcases in basin 34, filed in the SRBA Court on July 24, 1995. San Felipe Ranches, Mr. G. David Nelson and Lola Coates agree not to pursue challenges or objections to the 187 subcases identified in their motion for late objection, unless this agreement becomes void.
- 9) This agreement is voidable by a party to this agreement should the SRBA Court reject a substantive term of this stipulation, or fail to enter partial decree(s) for any referenced subcase(s) pursuant to the submitted Standard Forms No. 5.
- 10) Parties agree to act in good faith to effect the terms of this stipulation and in the timely submission of all Standard Forms No. 5, motions or stipulations to resolve the objections to the subcases listed on attached exhibit A and to subcases 34-10555 and 34-10635.
- 11) San Felipe Ranches, Mr. G. David Nelson and Ms. Lola Coates agree to forego participation in basin-wide issue number 9, and the United States shall not place a call for water on existing claims to water for irrigation purposes made by San Felipe Ranches, Mr. G. David Nelson and Ms. Lola Coates in Basin 72 under any water rights of the United States in Basin 72 based upon Public Water Reserve 107.

- 12) San Felipe Ranches, G. David Nelson and Lola Coates covenant not to pursue, prosecute, or fund the prosecution of, either their own or other parties' objections to the elements of name, source of water, quantity used, date of priority, point of diversion, purpose of use, place of use, period of year of use, or annual consumptive volume in current claims to water rights filed by the United States in Basin 34.
- 13) 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. This agreement does not create a precedent for settlement of any other disputes or objections.
- 14) All parties agree to bear their own costs and attorney's fees in connection with this matter.

San Felipe Ranches

Dated: 4/23/96

Signed:

San Felipe Ranches
by G. David Nelson

Attorney of Record:

[Signature]

Mr. G. David Nelson

Dated: 4/23/96

Signed:

G. David Nelson

Attorney of Record:

[Signature]

Mrs. Lola Coates

Dated: 4/23/96

Signed:

Mrs. Lola Coates

Attorney of Record:

[Signature]

The United States of America,
acting on behalf of the United States
Bureau of Land Management

Dated: 4/28/96

Signed:

[Signature]

EXHIBIT A

34-07232	34-13183	34-13243
34-10555	34-13184	34-13246
34-10635	34-13186	34-13253
34-12399	34-13187	34-13257
34-13084	34-13188	34-13258
34-13085	34-13189	34-13261
34-13086	34-13190	34-13262
34-13087	34-13191	34-13264
34-13088	34-13192A	34-13266
34-13090	34-13194	34-13267
34-13091	34-13195	34-13269
34-13095	34-13196	34-13271
34-13100	34-13197	34-13272
34-13114	34-13200	34-13273
34-13145	34-13201	34-13274
34-13146	34-13202	34-13275
34-13147	34-13203	34-13280
34-13148	34-13204	34-13281
34-13154	34-13205	34-13282
34-13155	34-13206	34-13283
34-13157	34-13207	34-13285
34-13161	34-13208	34-13286
34-13162	34-13209	34-13287
34-13163	34-13210	34-13288
34-13164	34-13211	34-13289
34-13166	34-13214A	34-13290
34-13169	34-13214	34-13291
34-13171	34-13215	34-13296
34-13172	34-13220	34-13298
34-13174	34-13223	34-13322A
34-13175	34-13228	34-13337
34-13176	34-13229	34-13338
34-13178	34-13230	34-13339
34-13179	34-13231	34-13352
34-13180	34-13235	34-13392
34-13181	34-13237	34-13407
34-13182	34-13241	

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EXHIBIT B: to Stipulation to Resolve Objections

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
Case No. 39576

STANDARD FORM 5

SUBCASE NO: 34-10635

PROPOSED ELEMENTS OF A
WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

INSTRUCTIONS FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

San Felipe Ranches
P.O. Box 388
Mackay, Idaho 83251

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S
REPORT

2. The source of water is: Springs
Tributary: Thousand Springs Creek

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S
REPORT

3. The quantity of water used in cubic feet per second or the
quantity of water stored in acre-feet per year is:
Irrigation 9.4 cfs
Stockwater 1.0 cfs
Total 9.4 cfs

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S
REPORT

4. The priority date is: June 19, 1908

Required Statement: The parties stipulate to this priority date.

5. The legal description of point(s) of diversion is; if the
claim is for an instream flow, then a legal description of the
beginning and ending points of the claimed instream flow:

T.10N, R.21E, Section 34, SENW, Custer County

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S
REPORT

6. The purpose of use is: Irrigation, Stockwater

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S
REPORT

-
7. The period of year when the water is to be used is:
- | | |
|------------|----------------|
| Irrigation | 05-01 to 10-15 |
| Stockwater | 10-16 to 04-30 |

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is:

Irrigation:

T.09N, R.21E, Section 2,	SWNE	20.0 acres
	SWNW	40.0 acres
	SENE	40.0 acres
	NESW	25.0 acres
	NWSW	5.0 acres
	NESE	40.0 acres
	NWSE	40.0 acres
	SESE	25.0 acres
T.09N, R.21E, Section 3, Lot 2 (NWNE)		40.0 acres
	SWNE	40.0 acres
	SENE	40.0 acres
	Lot 3 (NENW)	20.0 acres
	SENE	25.0 acres
	NESW	20.0 acres
	NESE	10.0 acres
	NWSE	30.0 acres

Total: 460.0 acres

Stockwater:

T.09N, R.21E, Section 2,	SENE
	NESW
	NWSW
T.09N, R.21E, Section 3,	NWNE
	SWNE
	SENE
	NENW

Required Statement: AS RECOMMENDED IN THE AMENDED DIRECTOR'S REPORT

9. The annual volume of consumptive use is: 1150 AF

Required Statement: Use of this right combined with right 34-00334 is limited to a total combined annual consumptive use volume of 1150 AF.

10. Other matters necessary to define this water right

This right includes an accomplished change in point of diversion pursuant to Idaho Code 42-1425. This right includes an accomplished change in point of use pursuant to Idaho Code 42-1425.

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

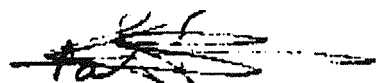
I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name & Address of Claimant:

Name: San Felipe Ranches

Address: P.O. Box 388
Mackay, Idaho 83251

Attorney of Record: Patrick D. Brown

 8/24/96
Attorney's Signature Date

Names & Addresses of Objector:

Name: United States through the
Bureau of Land Management

Address: 601 Pennsylvania Ave., NW
Washington, D.C. 20004

Attorneys of Record: R. Lee Leininger
Daria J. Zane
William Ferry

Attorney's Signature Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199____, 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:

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd. - Suite 330
Boise, Idaho 83706

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 8720-0098
Attn: Matt J. Howard

—

DATE: FEB-01-1996
PAGE: A-1

BASIS OF CLAIM

TRIMUITY: SIMS

0.23 CFS BENEFICIAL USE

TOTAL QUANTITY: 0.23 CFS

TOP SECRET 501

502

512

PLACE OF USE: STOCKPATER
TOMM 1200E 501

$$\begin{array}{r} 502 \\ \times 512 \\ \hline \end{array}$$

(11)
(12)

NAME SA
SURVE SA
SE NAME
VIEW NAME
SE NAME
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NAME SA

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NAME

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LAW OFFICES

*Hepworth, Lezamiz
& Hohnhorst*

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Department of Water Resources
Adjudication Bureau

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J. Charles Hepworth*
John J. Janis

*Member CA Bar
***Member UT Bar

DATE: August 1, 1996
TIME: 9:13 a.m.
TO: Chief, Natural Resources Division
Fax No. (208)334-2690
FROM: Patrick D. Brown
Return Fax No. (208)734-4115
RE: Stipulation to Resolve Objections
File No. 94-1-040

This transmission consists of 13 pages, including this cover page. If you do not receive the entire transmission, please call LeAnn McMillan at (208)734-7510.

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HLH

Chartered

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