

**UNITED STATES OF AMERICA**

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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     | ) |                            |
|                | ) | <b>STIPULATION</b>         |
|                | ) |                            |
| Case No. 39576 | ) | <b>55-04095, 55-10060,</b> |
|                | ) | <b>55-10240, 55-10241</b>  |
| _____          | ) |                            |

**DESCRIPTIVE SUMMARY**

This is a stipulation to resolve claims for water rights and objections to claims for water rights. This stipulation is made between Elias and Inez Jaca, Chipmunk Grazing and LS Cattle Co. referred to as the "Private Claimants", and the United States.

**STIPULATION**

WHEREAS, the United States recognizes the significant role of the livestock industry in the settlement, history and culture

of Owyhee County, Idaho; and,

WHEREAS, the United States and Private Claimants recognize the importance of the stockwater rights at issue in these subcases to the livestock industry in Owyhee County and the United States Bureau of Land Management ("BLM") grazing program; and,

WHEREAS, the United States and Private Claimants wish to resolve the objection regarding ownership of this stockwater right without further litigation, expense and delay;

THEREFORE, Private Claimants and the United States of America stipulate and agree as follows:

1. The parties agree to "split" water rights 55-04095, 55-10060 and 55-10240 into two new claims for each parent right. The respective private claimants shall hold title to private land places of use under 55-04095A, 55-10060A and 55-10240A; and the United States shall hold title to federal public land places of use under 55-04095B, 55-10060B and 55-10240B.
2. The parties agree that the United States is the owner

of water rights 55-04095B, 55-10060B, 55-10240B, 55-11142, 55-11143, 55-11153, 55-11194, 55-11196, 55-11854, 55-11855, 55-11856, 55-11857A, 55-12427, 55-12429, 55-12433 and 55-12436. For these water rights, the purpose of use is the watering of livestock owned by persons holding BLM-issued grazing permits. The stockwater purpose of use for these water rights shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which the particular water right is located.

3. The parties agree that the Private Claimants are the owner of water rights described in subcases 55-04095A, 55-10060A and 55-10240A and 55-10241.
4. Pursuant to I.R.C.P. 41(a)(1)(ii), Private Claimants dismiss with prejudice only that portion of their claim to water right 55-10241 which is located on the federal land.
5. Nothing in this stipulation shall prevent the BLM from

administering the use of a grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.

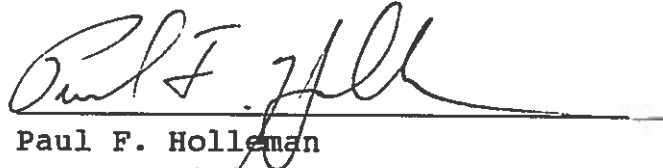
6. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding any of the subcases mentioned in this document shall be construed as admissions against interest or be used in any legal proceeding.
7. All parties agree to bear their own costs and attorney fees in connection with this matter.
8. 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.

UNITED STATES OF AMERICA

Dated:

4/30/98

by:



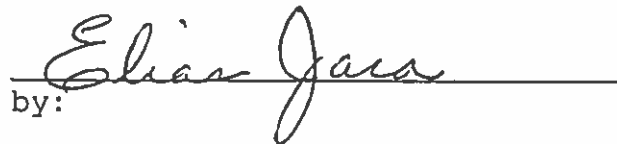
Paul F. Hollenman  
R. Lee Leininger  
Attorneys, ENRD

Elias Jaca  
Inez Jaca

Dated:

4-30-98

by:



Chipmunk Grazing Association

Dated:

4-30-98

by:



LS Cattle Co.

Dated:

4 - 30 - 98

by:



## SF-5

AJ5856NP

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

DATE: JUL-30-1997  
PAGE: A-1438

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SINKS

RIGHT NUMBER: ~~55-04095~~ 55-04095 A

NAME & ADDRESS:  
INEZ JACA  
ELIAS JACA  
817 BLAINE AVE  
HAMPA ID 83651

SOURCE: ~~SPRINGS~~ SPRINGS TRIBUTARY: ~~SINKS~~ SINKS  
POLE CREEK JORDAN CREEK

QUANTITY: 0.19 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION: T04S R04W S20

~~NESE~~  
~~NWSE~~  
SESE  
~~SWSW~~

Within Owyhee County

NESESE (INSTREAM BEGINNING POINT)  
SESESE (INSTREAM ENDING POINT)

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER

PERIOD OF USE  
01-01 12-31

QUANTITY  
0.19 CFS

PLACE OF USE:

STOCKWATER

Within Owyhee County

T04S R04W S20

~~NESE~~  
NESE  
SWNW

~~NWSE~~  
SESE  
NWSW

SESE  
  
SWSW

~~SWSW~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

~~BLM ALLOTMENT NO. JUMP CREEK 0370~~  
PARCEL NOS. 04S04W201200, 04S04W213600  
STOCKWATER, 800 RANGE CATTLE.

RB

GFH  
E. J.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUL-30-1997  
PAGE: A-1438

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SINKS

RIGHT NUMBER: ~~55-04095~~ 55-04095B

NAME &amp; ADDRESS:

~~INEZ JACA  
ELIAS JACA  
817 BLAINE AVE  
HARPA ID 83651~~UNITED STATES OF AMERICA, ACTING THROUGH  
U.S.D.I., BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 SOUTH VINNELL WAY  
BOISE, IDAHO 83709-1657SOURCE: ~~SPRINGS~~ SPRING  
~~POLE CREEK~~

TRIBUTARY: SINKS

~~JORDAN CREEK~~

QUANTITY: 0.19 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION: T04S R04W S20

NENE

Within Owyhee County

~~NWNE~~~~SENE~~~~SWSW~~~~NENESE (INSTREAM BEGINNING POINT)~~~~SESESE (INSTREAM ENDING POINT)~~PURPOSE AND  
PERIOD OF USE:PURPOSE OF USE  
STOCKWATERPERIOD OF USE  
01-01 12-31QUANTITY  
0.19 CFS

PLACE OF USE:

STOCKWATER  
T04S R04W S20

Within Owyhee County

NENE

~~NWNE~~~~SENE~~~~SWSW~~~~NESE~~~~SESE~~~~SWSW~~~~NWSE~~~~SWSW~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

~~BLM ALLOTMENT NO. JUMP CREEK 0570~~  
~~PARCEL NOS. 04684W201200, 04684W213600~~  
~~STOCKWATER, 800 RANGE CATTLE.~~JFH  
RB  
E.G.

**CERTIFICATE OF MAILING**

I certify that on 5-19, 19998, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Idaho Department of Water Resources  
Adjudication Bureau  
1301 North Orchard Street  
Boise, Idaho 83706

IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Elias and Inez Jaca  
817 Blaine Avenue  
Nampa, Idaho 83651

Sandy Egbert  
Signature of person or attorney mailing the form