

UNITED STATES OF AMERICA

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

PAUL F. HOLLEMAN
R. LEE LEININGER
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0494

**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	)	
	)	STIPULATION
	)	
Case No. 39576	)	55-04095, 55-10060,
	)	55-10240, 55-10241
_____	)	

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.

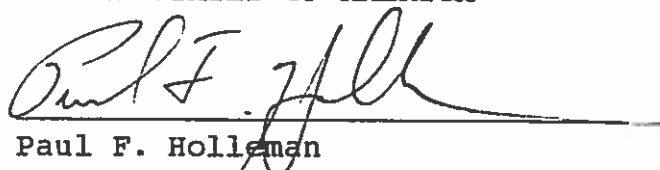
6. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding any of the subcases mentioned in this document shall be construed as admissions 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:



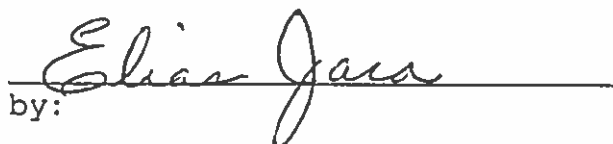
Paul F. Hollenman
R. Lee Leininger
Attorneys, ENRD

Elias Jaca
Inez Jaca

Dated:

4-30-98

by:



Chipmunk Grazing Association

Dated:

4-30-98

by:

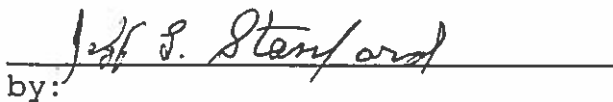


LS Cattle Co.

Dated:

4 - 30 - 98

by:



COPY

1998 MAY 20 AM 10:08

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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. 55-10240

RECEIVED

Case No. 39576

Standard Form 5

MAY 22 1998

STIPULATED ELEMENTS Department of Water Resources
OF A WATER RIGHT

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

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

The parties and IDWR agree and stipulate that the original claim shall be "split" into two new claims. The claimant shall hold title to the non-federal land POUs under 55-10240A and shall withdraw with prejudice its claim to the federal land POUs which will be held by the United States under 55-10240B. The parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Chipmunk Grazing Association
L S Cattle Co.

Elias J. J. Pres. 4-30-98
For Chipmunk Grazing Assoc. Date

Jeff S. Stanford 4-30-98
Date

IDWR CONCURRENCE:

Brian Brown 5-19-98
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Paul F. Holleman 4/30/98
Date
Paul F. Holleman
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

[Signature] 5-19-98
Date

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

DATE: JUL-30-1997

PAGE: A-336

RIGHTS FROM: SOURCE: JACKSON CREEK TRIBUTARY: COW CREEK

 RIGHT NUMBER: ~~55-10240~~ 55-10240A

 NAME & ADDRESS: L 9 CATTLE CO
 CHIPMUNK GRAZING ASSOCIATION INC
 PO BOX 175
 MARSHING ID 83639

 SOURCE: LITTLE JACKSON CREEK TRIBUTARY: JACKSON CREEK
 JACKSON CREEK COW CREEK
 UNNAMED STREAM JACKSON CREEK

QUANTITY: 0.02 CFS

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

 PRIORITY DATE: 06/01/1875 T03S R05W S25 SESW NW (B) T03S R05W S26 SW SE NW (E)
 POINT OF DIVERSION: T03S R04W S30 SW NE SW (INSTREAM BEGINNING POINT) T03S R05W S25 NW NE SW (E)
 S31 SW SE SE (INSTREAM BEGINNING POINT) T03S R05W S36 NE NW NW (E)
 R05W S35 NE SE NW (INSTREAM BEGINNING POINT) T03S R04W S26 SE SE NW (E)
 S26 NESW NW SE NW (INSTREAM ENDING POINT) T03S R05W S26 NE SE SE (B)
~~SE SE NW (INSTREAM ENDING POINT)~~
 S27 SW NW NW (INSTREAM ENDING POINT) T03S R05W S27 NE NW NW (B)

 PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 STOCKWATER 06-01 10-31 0.02 CFS

 PLACE OF USE: STOCKWATER Within Owyhee County

T03S R04W S30	NE SW	NW SW	NE SW	SE SW
S31	SW NW	SE NW	NE SW	SE SW
	SW SE			
R05W S22	~~SE SW~~	~~SW SE~~	~~SE SE~~	
S25	SW NW	NE SW	~~NW SW~~	~~SW NW~~
	NE SE	NW SE		
S26	SW NE	SE SE	~~NW NW~~	SW NW
	SE NW	NE SW	SE SW	~~NE SE~~
	NW SE	SE SE		
S27	~~NE NW~~	~~NW NW~~	NW NW	
S35	NE NW	SE NW		
S36	NE NE	NW NE	SE NE	NE NW
	NW NW			

 E. J. K. B.
 J. S. K. B.
 D. P. A.

AJ5856NP

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

DATE: JUL-30-1997

PAGE: A-357

RIGHTS FROM: SOURCE: JACKSON CREEK TRIBUTARY: COW CREEK

RIGHT NUMBER: 55-10240 (CONT)

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. MCBRIDE JACKSON 0506

PARCEL NOS. 03S05W252400, 03S05W251200, 03S05W260001,
03S05W273000.

STOCKWATER, 300 RANGE CATTLE

RA
E.G.
J.S.
OT

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

DATE: JUL-30-1997

PAGE: A-356

RIGHTS FROM: SOURCE: JACKSON CREEK TRIBUTARY: COW CREEK

RIGHT NUMBER: ~~55-10240~~ 55-10240B

NAME & ADDRESS:

~~L. S. CATTLE CO
CHIPMUNK GRAZING ASSOCIATION INC
PO BOX 175
MARSING ID 83639~~

UNITED STATES OF AMERICA, ACTING THROUGH
U.S.D.I., BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, IDAHO 83709-1657

SOURCE: LITTLE JACKSON CREEK TRIBUTARY: JACKSON CREEK
JACKSON CREEK COW CREEK
~~UNNAMED STREAM JACKSON CREEK~~

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1875

POINT OF DIVERSION: ~~T035 R04W S30~~ ~~NE3W (INSTREAM BEGINNING POINT)~~ Within OWYHEE County
~~S31~~ ~~SW3E (INSTREAM BEGINNING POINT)~~
~~R05W S35~~ ~~SE3W (INSTREAM BEGINNING POINT)~~
~~S26~~ ~~SE3W (INSTREAM ENDING POINT)~~
~~SE3EW (INSTREAM ENDING POINT)~~
~~S27~~ ~~NW3W (INSTREAM ENDING POINT)~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
06-01 10-31

QUANTITY
0.02 CFS

PLACE OF USE:

STOCKWATER Within OWYHEE County

~~T035 R04W S30~~	~~NE3W~~	~~NW3W~~		
~~S31~~	~~SW3W~~	~~SE3W~~	~~NE3W~~	~~SE3W~~
	~~SW3E~~			
R05W S22	SE3W	SW3E	SE3E	
S25	SW3W	NE3W	NW3W	SW3W
	NE3E	NW3E		
S26	SW3E	SE3E	NW3W	SW3W
	SE3W	NE3W	SE3W	NE3E
	NW3E	SE3E		
S27	NW3E	NW3W	NW3W	
S35	NW3W	SE3W		
S36	NW3E	NW3E	SE3E	NW3W
	NW3W			

E. J.
J. S.
P. F. A.

AJ5856NP

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

DATE: JUL-30-1997
PAGE: A-357

RIGHTS FROM: SOURCE: JACKSON CREEK TRIBUTARY: COW CREEK

RIGHT NUMBER: 55-10240 (CONT)

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. MCBRIDE JACKSON 0506~~

~~PARCEL NOS. 033050252400, 033050251200, 033050260001,~~

~~033050273000.~~

~~STOCKWATER, 300 RANGE CATTLE~~

E. J.
JES
PFL

CERTIFICATE OF MAILING

I certify that on 5-19, 1998, 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

Chipmunk Grazing Association
P.O. Box 175
Marsing, Idaho 83639

L S Cattle Co.
P.O. Box 175
Marsing, Idaho 83639

Sandy Egbert
Signature of person or attorney mailing the form