

RECEIVED

SEP 30 2016

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 29 2016

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

Subcase Nos.: 51-13089, 51-13090, 51-13091,
51-13092, 51-13093, 51-13094, 51-13095, 51-
13096, 51-13097, 55-13897, 55-13898, 55-13899,
55-13900, 55-13901, 55-13902, and 55-13903

ORDER APPROVING STIPULATION AND
ENTRY OF PARTIAL DECREES

The District Court of the Fifth Judicial District in and for the County of Twin Falls, having entered its Commencement Order on November 19, 1987, commencing the Snake River Basin Adjudication ("SRBA"); the United States of America and the State of Idaho, who constitute all the parties to these consolidated subcases, through their respective counsel, having presented a Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees, filed March 30, 2016, ("Stipulation"); due notice of the requested approval of the Stipulation and the proposed entry of the Partial Decrees having been given pursuant to the Idaho Rules of Civil Procedure and the SRBA Court Administrative Order 1; the Court having reviewed the Stipulation, the proposed Partial Decrees and supporting affidavits and having heard the parties concerning these matters;

THE SRBA DISTRICT COURT NOW FINDS AS FOLLOWS:

The parties have satisfied the requirements of Chapter 14, Title 42, Idaho Code, including Section 42-1411A, the Idaho Rules of Civil Procedure and SRBA Administrative Order 1. The Stipulation is a fair and equitable settlement of all the United States' claims in the SRBA for these federally designated Wild and Scenic Rivers. The Stipulation does not adversely affect the interest of persons not party to the Stipulation and good cause has been shown for granting the Joint Motion for Order Approving Stipulation and Entry of Partial Decrees.

As required by Idaho Code § 42-1411A(12), a hearing was held on September 20, 2016, for the purpose of allowing the United States to demonstrate a *prima facie* case regarding the

ORDER APPROVING STIPULATION AND ENTRY OF PARTIAL DECREES

S:\ORDERS\Federal (Owyhee)\Order Approving Stipulation and Entry of Partial Decrees.doc

existence of the above-captioned water rights established under federal law. At that hearing, the parties agreed that this Order shall contain language that the affidavits submitted by the United States in support of its claims “are solely for the purpose of resolving the current legal dispute and approving the Stipulation and are not an admission by the State of the propriety or use of the quantification methodologies outlined in the affidavits for the purpose of quantifying any other federal reserved water rights.”

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All terms of the Stipulation and the Partial Decrees for the United States’ Wild and Scenic Rivers Act federal reserved water right claims numbered 51-13089, 51-13090, 51-13091, 51-13092, 51-13093, 51-13094, 51-13095, 51-13096, 51-13097, 55-13897, 55-13898, 55-13899, 55-13900, 55-13901, 55-13902, and 55-13903, as attached to the Stipulation (the “Partial Decrees”), are hereby ratified, confirmed and approved.

2. The Court shall retain jurisdiction for the purpose of resolving any disputes concerning implementation and enforcement of the Stipulation and administration of the water rights confirmed by the Partial Decrees, including, but not limited to, administration of the subordination provisions of the Partial Decrees.

3. Pursuant to Idaho Rule of Evidence 408, nothing in the Stipulation, the Partial Decrees, any affidavits or other evidence of pleading submitted for the approval of the Stipulation, or any offers or compromises made in the course of negotiating the Stipulation, shall be construed as admissions against interest or tendered or used as evidence to support or oppose any claims or objections in the SRBA or in any other adjudication involving claims for the same or similar purposes, including the quantities of water claimed, or in any other manner by any party in the SRBA in any future proceedings in the SRBA, in any appellate proceedings concerning the SRBA, or in any other proceeding, other than those for interpretation, enforcement or administration of the Stipulation or the Partial Decrees, or for a purpose contemplated by Idaho Rule of Evidence 408. This Order Approving Stipulation and Entry of Partial Decrees is fully in accordance with Idaho Rule of Evidence 408, as well as the policy underlying that rule and the policy of the SRBA Court directed at furthering the strong public policy favoring out-of-court settlement of disputes over litigation.

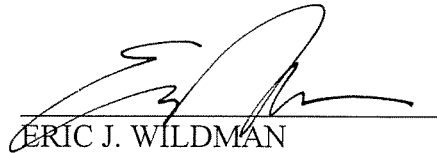
4. The affidavits submitted by the United States in support of its claims are solely for the purpose of resolving the current legal dispute and approving the Stipulation and are not an

admission by the State of the propriety or use of the quantification methodologies outlined in the affidavits for the purpose of quantifying any other federal reserved water rights.

5. The water rights adjudicated by the Partial Decrees are in full satisfaction of all the United States' claims in the SRBA for these federally designated Wild and Scenic Rivers and all objections thereto.

IT IS SO ORDERED.

Dated September 29, 2016

A handwritten signature in black ink, appearing to read "Eric J. Wildman", is written over a horizontal line.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

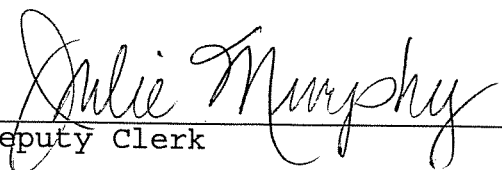
I certify that a true and correct copy of the ORDER APPROVING
STIULATION AND ENTRY OF PARTIAL DECREES was mailed on September
29, 2016, with sufficient first-class postage to the following:

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

STATE OF IDAHO
CHIEF, NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".