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SEP 25 1996

Department of Water Resources

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. 34-13387
	)	
Case No. 39576	)	
	)	STIPULATION
	)	
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to the above-captioned water right.

STIPULATION

To resolve the dispute over the above-captioned water right, the parties stipulate and agree that:

1. The Standard Form 5 for the water right attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed by the parties. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.

2. The Standard Form 5 and this stipulation have 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 or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

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3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

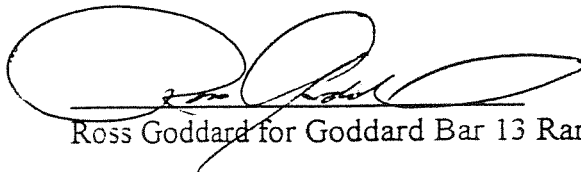
Dated this 23RD day of August, 1996



Daria J. Zane,
R. Lee Leininger,
P. Fritz Holleman,
William M. Ferry,
Attorneys

U.S. Department of Justice
Environment and Natural Resources
Division, General Litigation Section

Dated this 29th day of August, 1996



Ross Goddard for Goddard Bar 13 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	)	STANDARD FORM 5
	)	AMENDED MAY 14, 1996
	)	
Case No. 39576	)	SUBCASE NO: <u>34-13387</u>
	)	(ONE NUMBER ONLY)
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD;

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 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; 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.

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 these uncontested elements 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 each element of the water right (attach additional pages if necessary).

ELEMENTS

1. The name and address of the claimant is:

United States of America, acting through the
U.S. Department of Interior,
Bureau of Land Management,
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2500

Required statement:

This description accurately describes the claimant of this water right.

2. The source of water is:

Source: Boone Creek
Tributary: Warm Springs Creek

Required statement:

As recommended in the director's report.

3. The quantity of water used is:

0.01 c.f.s. not to exceed 13,000 gallons per day.

Required statement:

Quantity in c.f.s. is as recommended in the director's report. The "not to exceed" statement is added pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996.

4. The priority date is:

January 01, 1884

Required statement:

As recommended in the director's report. The director's amended recommendation changing the priority date to March 16, 1923 is a legal issue that will be determined in the context of subcase numbers 34-11576,

et. al.

5. The legal description of the 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:

T07N R22E S04 SWSWSW (Beginning Point)
T08N R22E S34 SENESW (Ending Point)

Required statement:

The parties stipulate that this is the correct description of this element. This corrects an error in the description of the beginning point that was claimed and recommended in the director's report. T07N R22E S04 Lot 5 (SWSW) was corrected to read T07N R22E S04 SWSWSW. The SWSW of S04 is not a Lot.

6. The purpose of use is:

Stockwater

Required statement:

As recommended in the director's report. Pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996, stock numbers and wildlife are not described as a purpose of use. The United States reserves the right to challenge the Special Master's decision.

7. The period of year when the water is to be used is:

01-01 through 12-31

Required statement:

As recommended in the director's report.

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

T07N R22E S03 Lot 4 (NWNW)
T07N R22E S04 Lot 1 (NENE)
T07N R22E S04 Lot 5 (SENE)
T07N R22E S04 SWNE
T07N R22E S04 NESW
T07N R22E S04 NWSW

T07N R22E S04 SWSW
T07N R22E S04 NWSE

T08N R22E S34 NESW
T08N R22E S34 SWSW
T08N R22E S34 SESW

Required statement:

The parties stipulate that this is the correct description of this element.

The parenthetical $\frac{1}{4}$ $\frac{1}{4}$ information for Lots 1 and 5 of Section 4, T07N R22E is provided where it was absent from the director's recommendation and thus supplements rather than corrects the recommendation.

The last four POU descriptions in the director's recommendation were corrected to reflect BLM's claim filing. The legal description T07N R22E S34 NWSE recommended in the director's report should have read section 4. Section 34 actually describes the three POUs described in T08N R22E, for which, the director's recommendation is blank as to the description of the section.

9. The annual volume of consumptive use is:

Required statement:

This element was not reported by IDWR in the director's report. Pursuant to Idaho Code 42-1401A(2) (1996), this water right need not contain a determination of the annual volume of consumptive use.

10. Other necessary matters:

These matters are necessary because:

Pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12, the remarks in this item are not necessary to define this right.

These matters do not fall within the 9 elements listed above because:

Review By IDWR

To speed up the entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their

proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

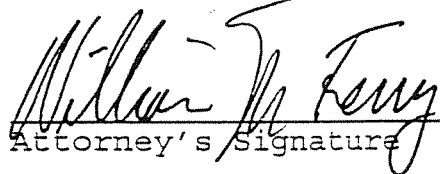
If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

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

Name: United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office
Address: 3380 Americana Terrace
City/State/Zip: Boise, Idaho 83706-2500
Attorney of Record: Daria J. Zane, (202) 305-0471
R. Lee Leininger, (202) 305-0242
P. Fritz Holleman, and (202) 305-0494
William M. Ferry (208) 334-1911
Phone: As Above.

Party's Signature Date

 8-23-96

Attorney's Signature Date

Name: Ross Goddard
Address: Rt. 1, Box 52
City/State/Zip: Moore, Idaho 83255
Attorney of Record: Pro se
Phone: (208) 527-3329


Ross Goddard

Date

Attorney's Signature Date

IDWR Concurrence:

Signature

Date

CERTIFICATE OF REVIEW BY IDWR

I certify, that the Standard Form Five for this subcase (No. 34-13387) has been signed by the parties and copies have been sent to the Idaho Department of Water Resources. In addition, the parties have made a good faith attempt to resolve the matter with IDWR.

Dated this 24th day of September 1996.



William M. Ferry/ Lee Leininger
Attorneys, U.S. Department of Justice
Environment and Natural Resources Div.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: DOONE CREEK						
TRIBUTARY: WARM SPRINGS CREEK						

34-13387 US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

01/01/1884 STOCKWATER 01-01 12-31 .01 CFS BENEFICIAL USE

NON-IRRIGATION-USES:
STOCKWATER, 794 RANGE CATTLE
POINT OF DIVERSION:
T07N R22E S04 LOT 5 (SWSW) (B)
T08N R22E S34 SE/4SW (E)
PLACE OF USE: STOCKWATER

TOTAL QUANTITY: .01 CFS

T07N R22E S03 Lot 4 (NW/4)
S04 Lot 1
S34
T08N R22E

NESW

SWNE

SWSW

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 3404583785

SESW

SWSW

INSTRUCTIONS FOR MAILING

You must mail this 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 Sept. 24, 1996, 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
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to (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

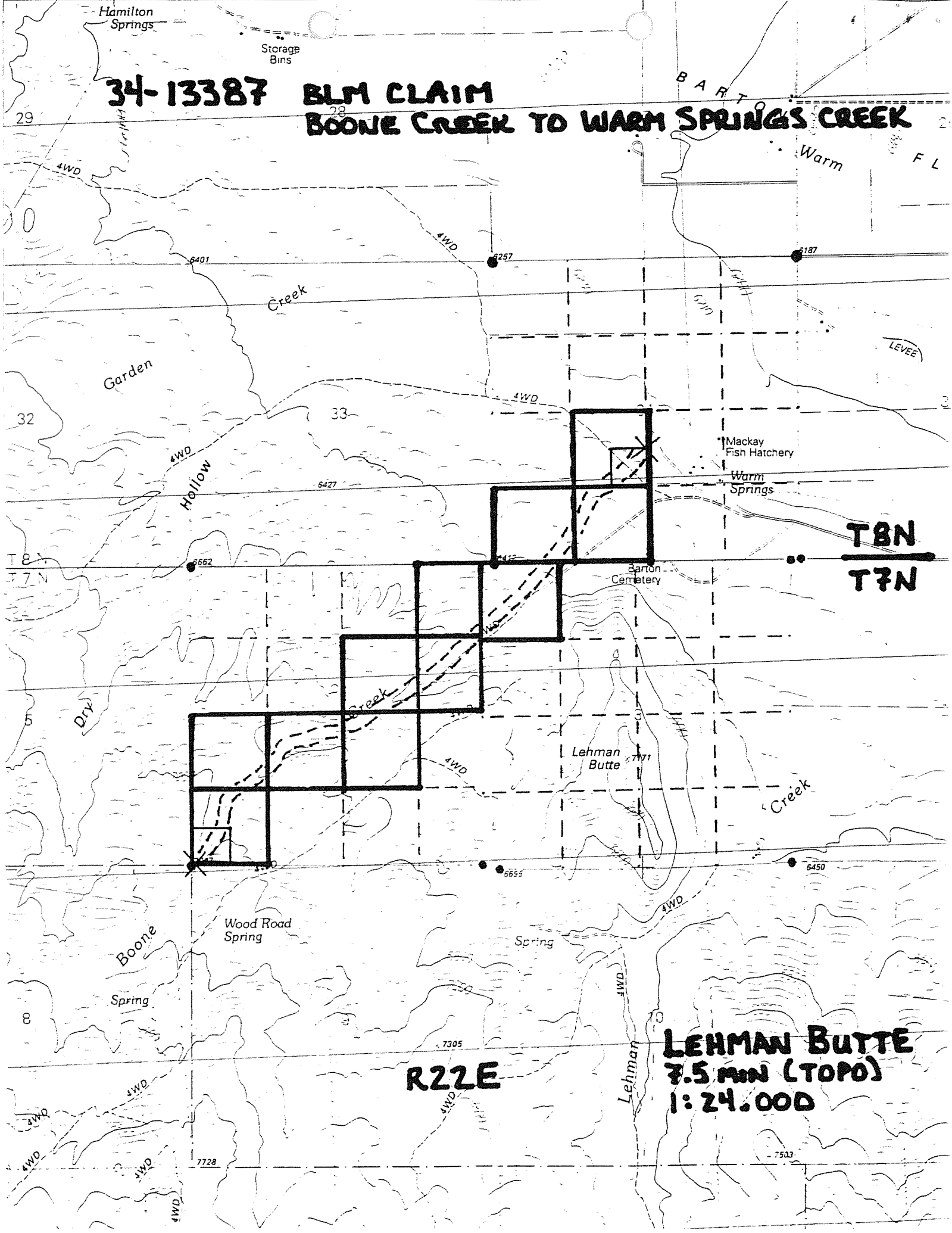
Ross Goddard
Rt. 1, Box 52
Moore, Idaho 83255

Alicia Brown
Signature of person or attorney mailing the form

34-13387

BLM CLAIM

BOONE CREEK TO WARM SPRINGS CREEK



T8N
T7N

R22E

LEHMAN BUTTE
7.5 min (TOPO)
1:24.00D

TOWNSHIP 7 NORTH RANGE 22 EAST

CUSTER COUNTY 037

