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DEPARTMENT OF
WATER RESOURCES

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Attorneys for the State of Idaho

**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

Subcase No. 61-4029

**STIPULATION AND JOINT MOTION
FOR ORDER APPROVING
STIPULATION AND ENTRY OF
AMENDED PARTIAL DECREE**

STIPULATION

1. Elizabeth Ann and Nick Nettleton ("Nettleton") and the State of Idaho ("State"), by and through their respective undersigned counsel, hereby stipulate and agree to the entry of an Amended Partial Decree with the changes provided in the Corrected Director's Recommendation for water right no. 61-4029 attached to the *Affidavit of Carter Fritschle* ("*Fritschle Affidavit*") filed in support of this Stipulation.

2. Nettleton and the State hereby agree that an amendment of the Partial Decree for water right no. 61-4029 to change the placement of the 6.7 acre feet per year limit is warranted under

**STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION AND
ENTRY OF AMENDED PARTIAL DECREE - 1**

Snake River Basin Adjudication ("SRBA") Administrative Order 1, § 14(d) and I.R.C.P. 60(a) based on the facts set forth the *Fritschle Affidavit*.

3. Nettleton hereby agrees that this Stipulation and Joint Motion will resolve all issues set forth in the *Motion to Set Aside, Reopen and/or Motion to Alter or Amend Partial Decree for Water Right No. 61-4029* ("*Motion to Amend*") filed by Nettleton on October 1, 2018. The State agrees that this Stipulation and Joint Motion resolves the State's objections to the *Motion to Amend*. By signing this Stipulation, the State is not agreeing with the bases for relief provided in the *Motion to Amend*. The State's agreement to sign this Stipulation is based solely of the facts presented in the *Fritschle Affidavit* filed in support of this Stipulation.

4. If the SRBA Court fails to approve the Stipulation, the Stipulation is void. If the Stipulation is voided, Nettleton's *Motion to Amend* and the State's objections to the *Motion to Amend* shall be retained and shall proceed as if this Stipulation was never entered into.

5. This Stipulation had been reached through good faith negotiations for the purpose of resolving legal disputes, including impending litigation. This Stipulation was entered into and executed voluntarily by all the parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

6. This Stipulation does not create a precedent for settlement of any other disputes or objections. This Stipulation does not affect the right of the State to object to other motions seeking to file a late notice of claim or to set aside/amend partial decrees issued in the SRBA that have been incorporated into the *Final Unified Decree* issued on August 26, 2014.

7. This Stipulation shall bind and inure to the benefit of the respective successors of the parties. Upon entry of the Amended Partial Decree, the Amended Partial Decree shall be binding against all persons.

8. Nettleton and the State represent and acknowledge that each of the undersigned is authorized to execute this Stipulation and Joint Motion on behalf of the party they represent.
9. The provisions of this Stipulation are not severable. If any provision of this Stipulation is found to be unlawful and of no effect, then the parties hereto shall resume negotiations to revise such unlawful provisions.
10. Nettleton and the State agree to bear their own costs and attorney fees.

**JOINT MOTION FOR ORDER APPROVING STIPULATION AND ENTRY OF
AMENDED PARTIAL DECREE**

Nettleton and the State request the SRBA Court enter the Proposed Order attached hereto approving the foregoing Stipulation and entering an Amended Partial Decree for water right no. 61-4029 adopting the changes set forth in the Corrected Director's Recommendation.

The parties have executed this Stipulation and Joint Motion on the date following their respective signatures.

FOR THE STATE OF IDAHO:



SHANTEL M. CHAPPLE KNOWLTON
Deputy Attorney General
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Boise, ID 83720-0010
(208) 334-4124

Date: 1/4/2019

FOR ELIZABETH ANN AND NICK NETTLETON



S. BRYCE FARRIS
Sawtooth Law Offices, PLLC
1101 W. River Street, Suite 110
P.O. Box 7985
Boise, ID 83707
(208) 629-7447

Date: 1/4/19

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4 day of January, 2019, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

CLERK OF THE DISTRICT COURT SNAKE RIVER BASIN ADJUDICATION 253 THIRD AVENUE NORTH PO BOX 2707 TWIN FALLS, ID 83303-2707	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☐ Statehouse Mail
S. BRYCE FARRIS SAWTOOTH LAW OFFICES, PLLC 1101 W. RIVER STREET, SUITE 110 P.O. BOX 7985 BOISE, ID 83707	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☐ Statehouse Mail
IDWR DOCUMENT DEPOSITORY STATEHOUSE MAIL PO BOX 83720 BOISE, ID 83720-0098	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☒ Statehouse Mail
US DEPARTMENT OF JUSTICE ENVIRONMENT & NATL' RESOURCES 550 WEST FORT STREET, MSC 033 BOISE, ID 83724	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: ☐ Statehouse Mail



SHANTEL M. CHAPPLE KNOWLTON
Deputy Attorney General

**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

Subcase No. 61-4029

**ORDER APPROVING STIPULATION
AND ENTRY OF AMENDED PARTIAL
DECREE**

On October 1, 2018, Nick and Elizabeth Ann Nettleton (collectively “Nettleton”) filed the *Motion to Set Aside, Reopen, and/or Motion to Alter or Amend Partial Decree for Water Right No. 61-4029* (“*Motion to Amend*”) in the above entitled subcase. On December 14, 2018, the State of Idaho filed a response, objecting to Nettleton’s motion. Nettleton and the State of Idaho have presented a *Stipulation and Joint Motion for Order Approving Stipulation and Entry of Amended Partial Decree*. The Idaho Department of Water Resources (“IDWR”) filed an affidavit and Corrected Director’s Recommendation in support of the *Stipulation*. Having reviewed the *Stipulation*, supporting affidavit, and Corrected Director’s Recommendation and having heard the parties concerning this matter,

THE SRBA DISTRICT COURT HEREBY FINDS AS FOLLOWS:

The *Stipulation* was entered into voluntarily by the parties and in good faith for the purpose of resolving legal disputes, including impending litigation. The *Stipulation* and IDWR’s affidavit support amending the Partial Decree for water right no. 61-4029 as provided in the Corrected Director’s Recommendation under SRBA Administrative Order 1 and Idaho Rule of

Civil Procedure 60(a). No other parties have appeared in objection and good cause has been shown for granting the *Joint Motion for Order Approving Stipulation and Entry of Amended Partial Decree*.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

The *Stipulation* is hereby ratified, confirmed, and approved. The *Partial Decree* for water right no. 61-4029 is hereby **Amended** as set forth in the attached *Amended Partial Decree*.

IT IS SO ORDERED.

DATED: _____

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication