



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352-5284  
(208) 732-7200  
<http://www.id.blm.gov/shoshone>



In Reply Refer To:  
2920 (ID230)  
IDI-34483

May 12, 2008

Idaho Department of Water Resources  
Attn: Allen Merritt, P.E.  
1341 Fillmore St, Suite 200  
Twin Falls, ID 83301-3380

RECEIVED  
MAY 20 2008  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Dear Allen:

The Bureau of Land Management, Shoshone Field Office (BLM), as you know, has been working with the Idaho Department of Water Resources (IDWR), Young and Young of Idaho, Inc., and Western Mortgage & Realty Company regarding the transfer of water rights associated with a BLM Land Use Permit (LUP) identified as serial case number IDI-34483. It is BLM's policy that water rights associated with the application of water on public land as authorized via a permit or agreement are to be transferred into the name of the United States. Stipulation #9 of the LUP, states the following:

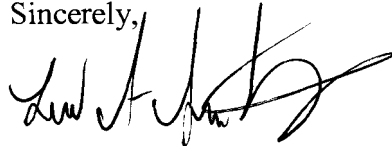
*AUTHORIZATION of the agreement may not be FINALIZED until proof that the water rights associated with this permit have been transferred into the name of the U.S. Failure of the permittee to remain in compliance with Idaho Department of Water Resources (IDWR) requirements regarding the use of water to the satisfaction of the BLM Authorized Officer will result in the automatic termination of this permit in accordance with 43 CFR 2920.9-3. No rights to the public lands accrue due to their description as the place of use in conjunction with a water right, neither beyond those described neither specifically by this permit nor beyond the term of this permit.*

BLM, Young and Young of Idaho, and Western Mortgage & Realty have all agreed to request IDWR to split water right number 36-8251E in order to provide a water right to the United States for 2.68 cfs (i.e. 0.02 cfs/acre) and 535.12 AFY (4.0 AFY/acre) on 133.78 acres of public land in association with the LUP. The LUP allows agricultural use of approximately 133.78 acres of public land located in Minidoka County, Idaho and identified as follows:

T. 6S, R. 24E, B.M.  
Sec. 30: SWSE (14.5 acres)  
Sec. 31: SESE, Lots 1, 4-6 (76.8 acres)  
T. 7S, R. 24E, B.M.  
Sec. 4: Lots 3-4 (42.48 acres)

Enclosed for reference is a copy of the Stipulation to Resolve United States' Objections and Joint Motion to Dismiss Objections for SRBA Case No. 39576, which includes water right number 36-8251E. If you have any questions or concerns please feel free to contact Tara Hagen, Realty Specialist, at (208) 732-7205.

Sincerely,



Lori A. Armstrong  
Field Manager

I concur with the aforementioned request to IDWR to transfer water right number 36-8251E to the United States in association with LUP, IDI-34483.

Western Mortgage & Realty Company, LUP Permittee

By: \_\_\_\_\_  
(Print Name) (Title)  
\_\_\_\_\_  
(Signature) (Date)

I concur with the aforementioned request to IDWR to transfer water right number 36-8251E to the United States in association with LUP, IDI-34483.

Young & Young of Idaho, Inc., Water Right Holder

By: Steven D. Young President - Partner  
(Print Name) (Title)  
Steven D Young 5-19-08  
(Signature) (Date)

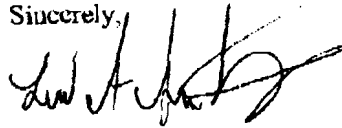
Enclosure: SRBA Case No. 39576 Stipulation to Resolve United States' Objections and Joint Motion to Dismiss Objections

cc: Western Mortgage & Realty Co.  
Young & Young of Idaho, Inc.  
Fred Price, Idaho State BLM Office

T. 6S, R. 24E, B.M.  
Sec. 30: SWSE (14.5 acres)  
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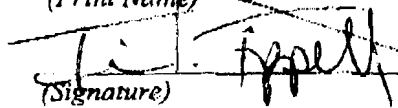
Sincerely,



Lori A. Armstrong  
Field Manager

I concur with the aforementioned request to IDWR to transfer water right number 36-8251E to the United States in association with LUP, IDI-34483.

Western Mortgage & Realty Company, LUP Permittee

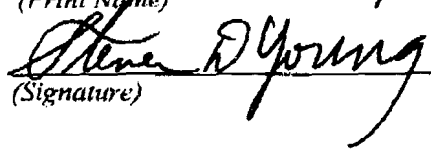
By: Tim M. Tippet  
(Print Name)  
  
(Signature)

Vice President  
(Title)

May 19, 2008  
(Date)

I concur with the aforementioned request to IDWR to transfer water right number 36-8251E to the United States in association with LUP, IDI-34483.

Young & Young of Idaho, Inc., Water Right Holder

By: Steven D. Young  
(Print Name)  
  
(Signature)

President - Partner  
(Title)

5-19-08  
(Date)

Enclosure: SRBA Case No. 39576 Stipulation to Resolve United States' Objections and Joint Motion to Dismiss Objections

cc: Western Mortgage & Realty Co.  
Young & Young of Idaho, Inc.  
Fred Price, Idaho State BLM Office

RECEIVED

JAN 28 2003

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

YOUNG & YOUNG  
PARTNERSHIP

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI  
Assistant Attorney General  
Environment and Natural Resources Division

LARRY A. BROWN  
Attorney, U.S. Dept. of Justice  
General Litigation Section  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724  
Ph.: (202) 305-0435 FAX: (202) 305-0274

**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 Numbers: 36-02653C, 36-02653D,  
) 36-07041, and 36-11340  
)

Case No. 39576

) **STIPULATION TO RESOLVE UNITED**  
) **STATES' OBJECTIONS AND JOINT**  
) **MOTION TO DISMISS OBJECTIONS**  
)  
)

The United States of America and Young & Young Partnership (hereinafter "Claimant") agree and stipulate to resolve United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") objections to the above-captioned water right claims as follows:

PAGE 1 - STIPULATION TO RESOLVE UNITED STATES' OBJECTIONS AND JOINT MOTION  
TO DISMISS OBJECTIONS; SUBCASE NUMBERS: 36-02653C, 36-02653D,  
36-07041, and 36-11340

## STIPULATION

1. The United States and the Claimant agree and stipulate that the Director's Reports and Amended Director's Reports which have been issued pursuant to the following Notices of Completed Administrative Proceedings, pursuant to completed administrative transfer number 66087, may proceed toward partial decree as recommended: 36-02058B, 36-02058C, 36-02058D, 36-02075B, 36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D, 36-02233G, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A, 36-02530B, 36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C, 36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D, 36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F, 36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B, 36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778, 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, and 36-15456B.

2. The United States and Claimant agree that the land encompassed by the following places of use, described in the Amended Director's Report recommendations for the water right claim numbers listed in paragraph 1, is federal public land<sup>1</sup> managed by the BLM:

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<sup>1</sup>In this document, the term "public lands" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership . . . ." 43 U.S.C. § 1702(e).

PLACES OF USE ON BLM

|      |      |     |               |                |
|------|------|-----|---------------|----------------|
| T06S | R24E | S30 | SWSE          | 15.0 ac        |
|      |      | S31 | Lot 1 ( NENW) | 8.0 ac         |
|      |      |     | Lot 5 ( SWNW) | 29.0 ac        |
|      |      |     | Lot 6 ( SENW) | 15.0 ac        |
|      |      |     | SESE          | 29.0 ac        |
| T07S | R24E | S04 | Lot 3 (NENW)  | 20.0 ac        |
|      |      |     | Lot 4 (NWNW)  | <u>20.0 ac</u> |
|      |      |     |               | 136.0 ac       |

3. Claimant agrees to file an application for a Land Use Authorization with the BLM for irrigated agricultural use of the federal public lands described above within 60 days of the date this stipulation is filed with the Snake River Basin Adjudication Court. The Claimant recognizes and agrees that the BLM's approval or denial of the Land Use Authorization is discretionary, and the Land Use Authorization may or may not be approved by the BLM's authorized officer.

4. If BLM, in its sole discretion, issues a Land Use Authorization for the federal public lands described in paragraph 2, then the Claimant agrees to change ownership to the federal public land places of use to the United States, according to the terms of the Land Use Authorization. This provision provides sufficient authority to the United States to file a Change of Ownership form with the Idaho Department of Water Resources to affect the change in title of water rights that describe federal public land.

5. If an application for Land Use Authorization is denied, or a Land Use Authorization is issued, then subsequently expires and is not renewed, or is terminated according to its terms, then the Claimant agrees and stipulates to initiate a transfer pursuant to I.C. 42 §222 to move acres describing federal public land to privately owned lands. The application for transfer shall be filed within 60 days of

the date the application for Land Use Authorization is denied, or the date any issued Land Use Authorization expires or is terminated according to its terms.

6. The United States agrees and stipulates to cooperate in the transfer described in paragraph 5. The Claimant shall not assume title to any places of use which describe federal public land as a result of such transfer.

7. All costs incurred in seeking a transfer application and change of ownership shall be borne by the Claimant.

8. Claimant agrees and stipulates that the United States shall be released and held harmless from any loss, injury, or damage should the application for Land Use Authorization be denied, or if a Land Use Authorization is issued and subsequently expires, is not renewed, or is terminated according to its terms, or if the Idaho Department of Water Resources does not allow transfer of all acres describing federal public land to privately owned lands and any portion of the water rights are forfeited.

9. The parties agree that nothing in this stipulation forecloses future administrative or judicial action by the United States in the relief of, or as a consequence of, the unauthorized use of the lands identified in paragraph 2 above, including, but not limited to, actions for past rent, rehabilitation of used land, or trespass.

10. The parties agree that nothing in this stipulation shall prevent the BLM from administering the use of federal public land and its associated water rights in accordance with applicable law, including taking such administrative actions as modifying, or terminating BLM-issued Land Use Authorizations, and prosecution of unauthorized use.

11. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This stipulation does not create a precedent for settlement of any other disputes or objections.

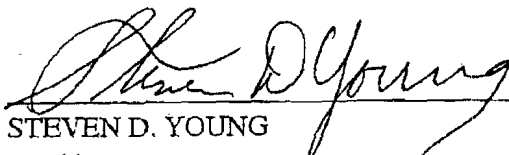
12. This stipulation was entered into and executed voluntarily by all the parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

13. The parties agree to bear their own costs and attorney fees.

### MOTION

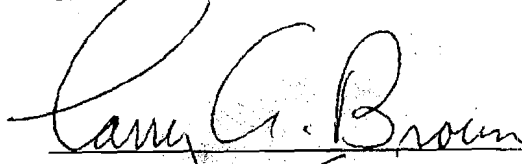
The parties respectfully move this Court for an Order dismissing the BLM's objections, without prejudice. In support of this motion, the parties incorporate by this reference the above-recited Stipulation. The Stipulation resolves BLM's objections in the above-captioned subcases. A proposed Order is filed herewith.

**CLAIMANT:**  
**YOUNG & YOUNG PARTNERSHIP**

  
STEVEN D. YOUNG  
President

DATED: Aug. 19, 2002

**OBJECTOR:**  
**UNITED STATES OF AMERICA**

  
LARRY A. BROWN FWP  
Of Attorneys for the United States

DATED: Jan. 24, 2003

**CERTIFICATE OF SERVICE**

I certify that on Jan. 24, 2003 I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE OBJECTIONS AND JOINT MOTION TO DISMISS OBJECTIONS; SUBCASE NUMBERS: 36-02653C, 36-02653D, 36-07041, and 36-11340, and PROPOSED ORDER** upon the following individuals by placing the document in the United States Mail in Washington D.C., postage paid, and addressed as follows:

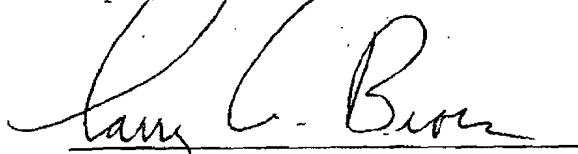
U.S. Department of Justice  
General Litigation Section  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83720-0098

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

Steven D. Young, President  
Young & Young Partnership  
300A E. 1600 N.  
Rupert, Idaho 83350

Bruce Hunsaker  
P.O. Box 707  
Rupert, Idaho 83350

  
Larry A. Brown

**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 Numbers: 36-02653C, 36-02653D, |
|                | ) | 36-07041, and 36-11340                 |
|                | ) |                                        |
| Case No. 39576 | ) | <b>ORDER GRANTING MOTION TO</b>        |
|                | ) | <b>DISMISS OBJECTIONS</b>              |
|                | ) |                                        |

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The United States of America and Young & Young Partnership (hereinafter "Claimant") filed a Stipulation to Resolve United States' Objection and Joint Motion to Dismiss Objections in the above-captioned subcases. The stipulation states:

The United States and the Claimant agree and stipulate that the Director's Reports and Amended Director's Reports which have been issued pursuant to the following Notices of Completed Administrative Proceedings may proceed toward partial decree as recommended: 36-02058B, 36-02058C, 36-02058D, 36-02075B, 36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D, 36-02233G, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A, 36-02530B, 36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C, 36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D, 36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F, 36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B, 36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778, 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, and 36-15456B.

The Motion states:

The parties respectfully move this Court for an Order dismissing the BLM's objections, without prejudice. In support of this motion, the parties incorporate by this reference the above-recited Stipulation. The Stipulation resolves BLM's objections in the above-captioned subcases.

//  
//

The Stipulation to Resolve the United States' Objections is incorporated herein by this reference. Based upon the stipulation of the parties, and the record herein, and the court being fully informed, it is

**ORDERED** that the BLM's objections in the above-captioned subcases are dismissed, without prejudice.

Based upon the NCAPs filed in the above-captioned subcases, the stipulation of the parties, and the record herein, and the court being fully informed, it is

**FURTHER ORDERED** that the Director's Reports and Amended Director's Reports which have been issued pursuant to the NCAPs may proceed towards partial decree.

DATED this \_\_\_\_\_ day of August, 2002.

\_\_\_\_\_  
Terrence A. Dolan, Special Master  
Snake River Basin Adjudication

Submitted by:

Larry A. Brown  
Larry A. Brown *LAW*  
Of Attorneys for the United States

Approved as to form:

Stephen D. Young Pres.  
Stephen D. Young, President  
Young & Young Partnership of Idaho  
S.D.Y.

# CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I served a true and correct copy of the foregoing  
**ORDER GRANTING MOTION TO DISMISS OBJECTIONS; SUBCASE NUMBERS:**  
36-02653C, 36-02653D, 36-07041, and 36-11340 upon the following individuals by placing the  
document in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

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

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83720-0098

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

Steven D. Young, President  
Young & Young Partnership  
300A E. 1600 N.  
Rupert, Idaho 83350

Bruce Hunsaker  
P.O. Box 707  
Rupert, Idaho 83350

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Deputy Clerk