

RECEIVED

May 24, 2022

DEPARTMENT OF
WATER RESOURCES

[After Recording, Return To:]

Norman M. Semanko, ISB #4761

PARSONS BEHLE & LATIMER

800 W. Main Street, Suite 1300

Boise, Idaho 83702

Tel: (208) 562-4900

Fax: (208) 562-4901

Email: nsemanko@parsonsbhle.com

Attorneys for Eagles Perch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 81-12033 IN THE NAME OF
EAGLES PERCH TRUST

STIPULATION TO WITHDRAW
PROTEST AND PROVIDE FOR EQUAL
DIVISION OF SPRING WATER

Applicant Eagles Perch Trust, by and through its counsel of record, Norman M. Semanko of Parsons Behle & Latimer, and Protestants Robert L. Ward and Cathy M. Ward ("the Wards"), hereby agree and stipulate as follows:

1. The Wards hereby withdraw with prejudice their protest to the above-captioned application for permit no. 81-12033.

2. The Wards have filed application for permit no. 81-12041, which Eagles Perch Trust agrees not to protest or otherwise participate in the proceedings for, except as may be necessary to safeguard and further the provisions of this stipulation for the benefit of the parties.

3. The priority date of the Eagles Perch Trust application for permit no. 81-12033 shall be advanced to April 25, 2022, to match the priority date of the Wards' application for permit no. 81-12041. If such change is not made on the records of the Department, the parties agree that the two water rights will be treated for all purposes as if they in fact have the same priority date.

4. The parties agree that the available quantity of water from the spring source identified in the two water rights will be divided and shared equally, 50/50, between the two water rights at all times.

5. Two separate pipes will be installed to the spring box, one to serve each water right, and a diversion structure will be installed that ensures that the available water from the spring will be split equally between the two separate pipes. The design and construction of the diversion structure must be approved by both Eagles Perch Trust and the Wards, and the parties agree to share equally in the costs of such work, as well as future maintenance, repair, rehabilitation or replacement of the spring box, diversion structure, and other shared works, as needed. Each party will be separately responsible for the costs associated with their respective pipes from the spring box and any other individual works.

6. Immediately upon approval of their application for permit no. 81-12041 by the Department, the Wards will withdraw claim no. 81-12036, previously filed in the Snake River

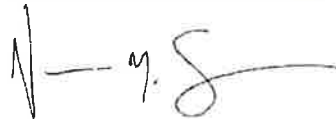
Basin Adjudication, and/or agree that the claim be recommended disallowed by the Department and decreed disallowed by the Adjudication Court. The parties agree not to file any additional applications for permit or adjudication claims for the spring.

7. This agreement shall run with the land to which the two water rights are appurtenant, identified as the place of use in the respective water rights, and shall be binding upon the parties and all future owners of those properties. The parties will record this agreement with Idaho County.

8. This agreement may be executed in counterparts.

DATED this 4th day of May, 2022

PARSONS BEHLE & LATIMER



Norman M. Semanko
Attorneys for Eagles Perch Trust

DATED this 4 day of May, 2022

EAGLES PERCH TRUST


Jason Robert Finch
Trustee

STATE OF FLORIDA)
: ss.
COUNTY OF BAY)

The foregoing instrument was acknowledged before me this 4 day of May, 2022, by Jason Robert Finch, Trustee of the Eagles Perch Trust.




NOTARY PUBLIC
Residing at: 8815 Tower Rd. Panama City FL.
My Commission Expires: April 12, 2024

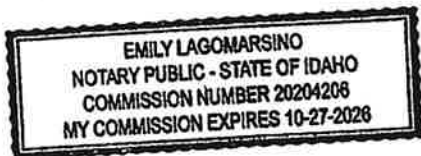
DATED this ____ day of 14:26, 14:26.

4 May 2022

Robert L. Ward.
Robert L. Ward

STATE OF IDAHO)
: ss.
COUNTY OF Idaho)

The foregoing instrument was acknowledged before me this 4th day of May, 2022,
by Robert L. Ward.



Emily Lagomarsino
NOTARY PUBLIC
Residing at: Kooskia ID
My Commission Expires: 10-27-2028

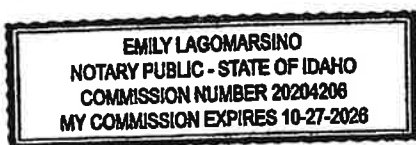
DATED this ____ day of 14:26, 14:26

4 May 2022

Cathy M Ward
Cathy M. Ward

STATE OF IDAHO)
: ss.
COUNTY OF Idaho)

The foregoing instrument was acknowledged before me this 4th day of May, 2022,
by Cathy M. Ward.



Emily Lagomarsino
NOTARY PUBLIC
Residing at: Kooskia ID