

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WITHDRAWAL OF PROTEST

RECEIVED

AUG 05 2021

IDWR / NORTH

Application for ☐ Transfer ☒ Permit ☐ Amendment of Permit No. 86-12119

In the Name of Richard & Kristy Scaraglino
Applicant

Name of Protestant: Latah County

Represented by: _____

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

Or

☒ My withdrawal is conditioned on the following:

Subject to terms in Settlement Agreement for Latah County's Protest to Richard & Kristy Scaraglino's

Water Right Application #86-12119 signed between the Applicants and Protestant. (enclosed)

Kathie LaFortune
Signature of Protestant or Representative

Chair Latah Co. Commissioners 8/2/21
Title Date



LATAH COUNTY
BOARD OF COMMISSIONERS
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 883-7208 ♦ Fax: (208) 883-2280
bocc@latah.id.us

COMMISSIONER McGraw MOVES THAT THE BOARD:

Approve the Chair's signature on a Settlement Agreement for Latah County's Protest to Richard and/or Kristy Scaraglino's Water Right Application (#86-12119) to Idaho Department of Water Resources (IDWR). Also approve the Chair's signature on a Withdrawal of Protest.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>Kathie LaFortune</u> Kathie LaFortune, Chair District I	<u>x</u>	_____	_____
<u>ABSENT</u> Thomas C. Lamar, Commissioner District II	_____	_____	_____
<u>David McGraw</u> David McGraw, Commissioner District III	<u>x</u>	_____	_____

ATTEST:

Jennifer Pappas
Clerk/Deputy Clerk

DATE:

July 26, 2021

**SETTLEMENT AGREEMENT FOR LATAH COUNTY'S PROTEST TO
RICHARD T SCARAGLINO AND/OR KRISTY E SCARAGLINO'S
WATER RIGHT APPLICATION #86-12119**

SECTION 1. RECITALS:

Latah County ("County") filed a timely protest on the application for Water Right #86-12119 made by Richard T Scaraglino and/or Kristy E Scaraglino ("Applicant"). Through negotiations, County agreed to withdraw its protest in exchange for the below terms and conditions being attached to Water Right #86-12119. This Settlement Agreement by and between Applicant and County sets forth such terms and conditions.

SECTION 2. OBJECTIVE:

County seeks to ensure that the amounts withdrawn from groundwater are not harmful to surrounding properties which might utilize the same aquifer for drinking water.

SECTION 3. TERMS AND CONDITIONS:

- a. The Applicant agrees that the following terms and conditions shall attach to Water Right #86-12119 and be binding upon Applicant as agreed to by and permitted by the Idaho Department of Water Resources.
 - i. The instantaneous flow rate/amount of water to be appropriated from groundwater to Applicants under Water Right #86-12119 shall be no more than .02 cubic feet per second (cfs) for "Domestic" and .02 cfs for "Stockwater". The overall diversion rate for this application shall not exceed .02 cubic feet per second (cfs).
- b. The Parties agree that the above terms and conditions shall inure to the benefit of, and be binding upon, the Parties and any of their successors and/or assigns.
- c. Following execution by the Parties of this Agreement, the Idaho Department of Water Resource's acceptance of this agreement, and the Agreement's attachment to Water Right #86-12119, County agrees to withdraw its protest of Water Right #86-12119.

SECTION 4. EFFECTIVE DATE:

This Agreement shall be effective upon its acknowledgement by the Parties below.

COUNTY:

DATED this 20 day of July 2021.

Kathie LaFortune

Kathie LaFortune, Chair

Attest:

Jenny Pepi
Clerk/Deputy Clerk of the Board

APPLICANT:

Richard T Scaraglino

Richard T Scaraglino

20 July 2021
Date

Kristy E Scaraglino

Kristy E Scaraglino

07.20.2021
Date