

AUG 31 2020

Department of Water Resources
Eastern Region

Randall C. Budge (ISB# 1949)
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Attorneys for Applicants Wade Lee Schvaneveldt and Kirsten Lyn Schvaneveldt

STATE OF IDAHO
BEFORE THE DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 84175

Wade Lee Schvaneveldt and Kirsten Lyn
Schvaneveldt,

Applicants,

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement"), is entered into effective August 11, 2020 between the Applicants Wade Lee Schvaneveldt and Kirsten Lyn Schvaneveldt, husband and wife ("Applicants"), whose address is P.O. Box 602, Grace, Idaho 83241 and Protestant Tom A. Hansen ("Protestant"), whose address is 5850 W. 16800 N., Riverside, Utah 84331.

RECITALS

- A. On May 28, 2020, Applicants filed with the Idaho Department of Water Resources ("IDWR") Application for Transfer of Water Right No. 84175 ("Application") for the purpose of changing ownership and correcting and updating the place of use to the current place of use for irrigation purposes consistent with historic diversion and use practices for water right nos. 13-603, 13-606, 13-608, 13-610 and 13-2072.
- B. IDWR published notice of the Application in the Caribou County Sun once a week for three consecutive weeks.
- C. Protestant timely filed a Notice of Protest on July 8, 2020 asserting that a portion of the water rights which are the subject of the Application are used for irrigation purposes on a certain portion his property, being approximately 2.7 acres containing a house and

outbuildings located in the NE1/4SE1/4NE1/4 of Section 29, Township 10 South, Range 40 East, B.M., Caribou County, Idaho.

- D. Applicants and Protestants desire to enter into this Stipulation to settle and resolve the protest and enable the Application to be approved upon the terms set forth below.

AGREEMENT


1. Applicants and Protestant agree that 0.02 cfs of water right no. 13-603 shall be transferred to Protestant appurtenant to 1.0 acres of Protestant's property for irrigation purposes with Protestant reflected as the lawful owner. It is further agreed that Protestant shall have the right to continue to operate and maintain at his expense the existing pipeline and connection from Applicants mainline utilized to deliver Protestant's water right to his property.
2. The Application is approved with respect to the remaining portion of water right no. 13-603 consisting of 0.28 cfs, together with all other water rights which are the subject matter of the Application. Applicants shall be reflected as the sole and lawful owner of all of said water rights for irrigation purposes with the point of diversion and place of use as described in the Application.
3. Pursuant to this Agreement Protestant's protest is hereby resolved and withdrawn.
4. That IDWR approve the Application consistent with this Stipulation without further notice or hearing.

APPLICANTS:


Wade Lee Schvaneveldt


Kirsten Lyn Schvaneveldt

PROTESTANT:

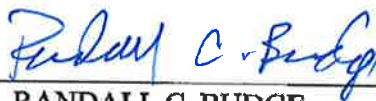


Tom A. Hansen
HANSEN



CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2020, I served a true and correct copy of the following persons by the method indicated:



RANDALL C. BUDGE

Original to: Idaho Department of Water Resources Eastern Regional Office 900 North Skyline Drive, Suite A Idaho Falls, Idaho 83402-1718	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile – 208-736-2121 <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
Wade and Kirsten Schvaneveldt P.O. Box 602 Grace, Idaho 83241 kirstenswanny@gmail.com	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
Tom A. Hansen 5850 W. 16800 N. Riverside, Utah 84331 tomhansen1111@gmail.com	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email



RANDALL C. BUDGE
randy@racineolson.com
Tessa Sparrow, Legal Assistant
tessa@racineolson.com

August 26, 2020

RECEIVED
AUG 31 2020

Department of Water Resources
Eastern Region

James Cefalo
Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

**Re: Wade and Kirsten Schvaneveldt Water Right Transfer
Application**

Dear James:

Enclosed please find for filing in the above-referenced matter the original signed Settlement Agreement between the Applicant and the only Protestant, Tom Hansen. Per the Stipulation 0.02 of water right 11-603 should be transferred to Hansen appurtenant to his property for irrigation purposes with the remaining balance of this right and all others in the name of the Applicant.

If you have any questions, or if anything further is needed to move forward on this matter kindly advise.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Randy Budge', is written over a light blue horizontal line.

RANDALL C. BUDGE

RCB:ts

Enclosures

c: Wade and Kirsten Schvaneveldt
Tom Hansen