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MAY 28 2020
DEPARTMENT OF
WATER RESOURCES

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Attorneys for Idaho Water Resource Board

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 74-16228 (Max A.
Lohmeyer)

STIPULATION AND JOINT
MOTION TO APPROVE
CONDITIONS

Applicant Max A. Lohmeyer ("Lohmeyer") and protestant the Idaho Water Resource Board ("IWRB"), pursuant to IDAPA 37.01.01.204, .260, .557 and .612, hereby stipulate to a settlement of the IWRB's protest in the above-entitled matter, the terms and conditions of which

are set forth herein.

The parties agree that the following conditions ("Conditions") should be included in any approval of Application for Permit No. 74-16228:

Condition No. 1. The right holder shall not divert water pursuant to this right when the Idaho Water Resource Board is relying on water from other water rights, such as but not limited to water transaction agreements or rentals from the water supply bank, to fill minimum stream flow water right no. 74-14993.

Condition No. 2: Water shall not be diverted under this right when flows in the Lemhi River are below established minimum flow amounts.

The parties move the Department, pursuant to IDAPA 37.01.01.557, .612, for an order ("Order") approving the Conditions and confirming that they will be included by the Department in any approvals of the Applications.

IWRB's protest to the Application shall be deemed withdrawn upon the issuance of a final Order stating that the Conditions are approved and shall be made a part of approval of the Application. Provided that the Application is not subsequently amended from its current form, except as may be required by the Department to continue processing, the withdrawal of IWRB's protest shall be with prejudice.

The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein including the Conditions; each party to bear its own costs, expenses, and attorney's fees.

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 2020, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

Phill Hummer Idaho Department of Water Resources P.O. Box 83720 Boise ID 83720-0098	<input checked="checked" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Express Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email:
Max A. Lohmeyer 703 E. Lemhi Ave. Salmon ID 83467	<input checked="checked" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Express Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile

By: /s/ Ann Y. Vonde

Ann Y. Vonde

Deputy Attorney General



Max A. Lohmeyer
Applicant

Date: 5-23-20

For the IDAHO WATER RESOURCE BOARD

/s/ Ann Y. Vonde
ANN Y. VONDE
Deputy Attorney General

Date: May 27, 2020