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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☐ Transfer ☒ Permit ☐ Amendment of Permit No. 86-12083

In the Name of Micahel and/or Denis Kluzik
Applicant

Name of Protestant: Latah County

Represented by: Latah County Board of County Commissioners

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 the attached Settlement Agreement as signed by the parties.


Signature of Protestant or Representative

Chair
Title

June 22, 2020
Date

JUL 02 2020

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**SETTLEMENT AGREEMENT FOR LATAH COUNTY'S PROTEST TO
MICHAEL AND/OR DENISE KLUZIK'S
WATER RIGHT APPLICATION #86-12083**

SECTION 1. RECITALS:

Latah County ("County") filed a timely protest on the application for Water Right #86-12083 made by Michael and/or Denise Kluzik ("Applicant"). Through negotiations, County agreed to withdraw its protest in exchange for the below terms and conditions being attached to Water Right #86-12083. 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County seeks to ensure that the amounts withdrawn from groundwater are not harmful to surrounding properties which might utilize the same aquifer for drinking water.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 #86-12083 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 for "domestic" from groundwater to Applicant under Water Right #86-12083 shall be no more than .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 #86-12083, County agrees to withdraw its protest of Water Right #86-12083.

SECTION 4. EFFECTIVE DATE:

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

COUNTY:

DATED this 22nd day of June 2020.



Thomas C. Lamar, Chair

ATTEST: _____

Attest: _____



Clerk/Deputy Clerk of the Board

APPLICANT:

Michael P. Kluzik, 06/17/20

Michael Kluzik

Date

Denise R Kluzik 6/17/2020

Denise Kluzik

Date

COPY