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DEPARTMENT OF
WATER RESOURCES

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Attorneys for the Idaho Department of Fish and Game

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 75-14970 IN THE) JOINT STIPULATION AND
NAME OF MURRAY FAMILY TRUST) WITHDRAWAL OF PROTEST
_____)

Applicant, Murray Family Trust ("Murray") and protestant Idaho Department of Fish and Game ("IDFG") by and through their undersigned representative and counsel of record, and pursuant to IDAPA 37.01.01.204, 557 and .612, hereby stipulate to a settlement of IDFG's protest in the above-entitled matter, the terms and conditions of which are set forth herein.

Murray agrees to construct the point of diversion from and point of return flow to Tower Creek as outlined in attached Exhibits A, B, and C. The parties also agree that the following condition ("Condition") should be included in any approvals of Application for Permit 75-14970 ("Application"):

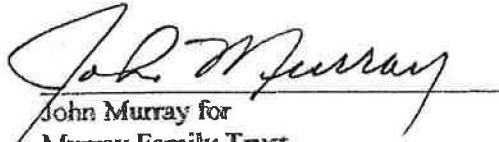
Condition 1: Prior to the diversion and use of water under this right, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

The parties move the Department, pursuant to IDAPA 37.01.01.557, .612 for an order ("Order") approving the Conditions set forth herein, or substantially similar conditions, and confirming that they will be included by the Department in any approvals of the Application.

IDFG's protest to the Application shall be deemed withdrawn upon the issuance of a Final Order stating that the Conditions are approved and shall be made a part of the approval of the Application.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 IDFG's protest shall be with prejudice.

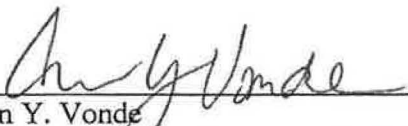
The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein including the Conditions; each party to bear its own costs, expenses, and attorney's fees.

DATED: February 28, 2020


John Murray for
Murray Family Trust
Applicant

DATED: February 24th, 2020

OFFICE OF THE ATTORNEY GENERAL


Ann Y. Vonde
*Attorney for Idaho Department of Fish
and Game*

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2020, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

Alex Dalglish
Idaho Department of Water Resources
PO Box 83720
Boise ID 83720-0098

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Email:
alex.dalglish@idwr.idaho.gov

Murray Family Trust
c/o John Murray
PO Box 916
Salmon ID 83467

☒ U.S. Mail, postage prepaid
☐ Express Mail
☐ Hand Delivery
☐ Email:
plpkatana@earthlink.net

By: /s/ Ann Y. Vonde
Ann Y. Vonde
Deputy Attorney General

EXHIBIT A

27 PERMIT NO 75-14970
To Jeff Richards
IDAHO FISH & GAME

Per our conversation by phone, regarding request for WATER RIGHTS Permit NO 75-14970, this letter agrees with your interest in process for construction of Diversion point & return point to Tower Creek. I agree to install an adjustable Headgate which incorporates a cleanable $\frac{3}{32}$ " screen to protect fish from entering diversion.

IF retention ever needs cleaned out, shut down Inlet gate, let dry out so NOT TO ever flush silt or fines to Tower Creek.

~~OUT~~ FALL TO over Flow to concrete or gravel with a Rock RIP/RAP TO FILTER water returning and also prevent NATIVE fish from entering return. NO Fines or SILT TO enter Tower Creek during construction or normal use.

Randall Call and I will be performing the work to include the diversion point, retention area & return to Tower Creek. As you agreed, He is very knowledgeable with the process.

Thank you, feel free to call me.

909-732-4348

John Murray

EXHIBIT B

AMENDED HEADGATE ARRANGEMENT 2/12/202

(VIEW FROM ABOVE)

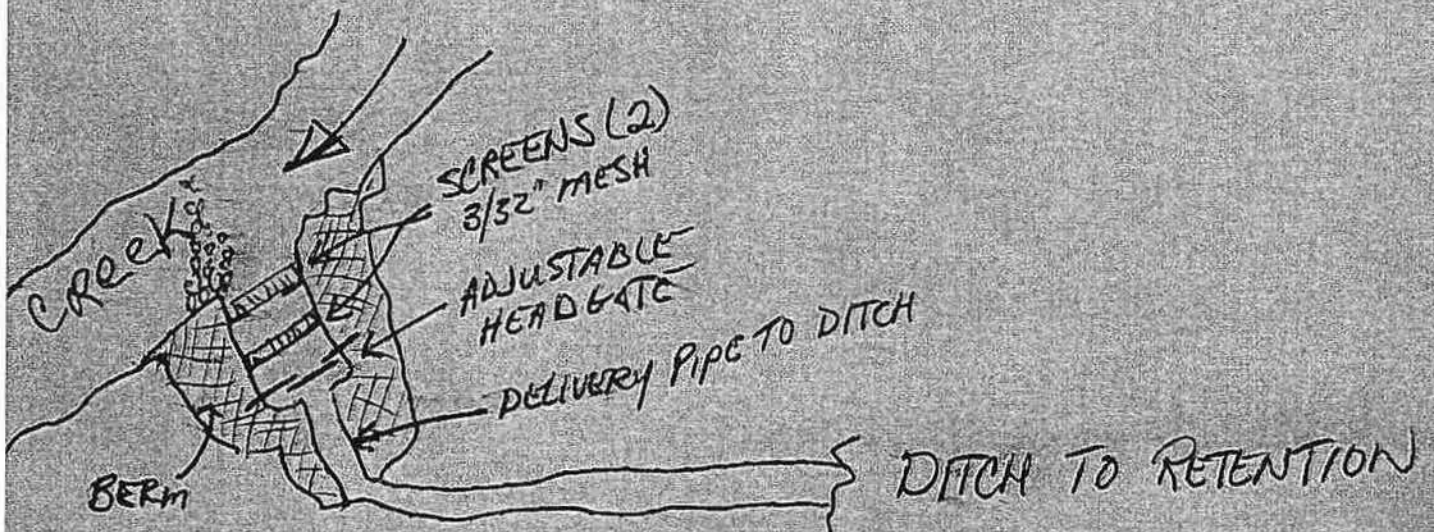


EXHIBIT C

OUTLET (SIDE VIEW)

