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WATER RESOURCES  
WESTERN REGION

Attorneys for Protestant Bruneau Buckaroo Co-Operative Ditch Company

BEFORE THE DEPARTMENT OF WATER RESOURCES OF  
THE STATE OF IDAHO

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| IN THE MATTER OF APPLICATION FOR | ) |                               |
| WATER RIGHT NO. 51-13127 IN THE  | ) |                               |
| NAME OF ACE BLACK RANCHES        | ) | STIPULATION AND WITHDRAWAL OF |
|                                  | ) | PROTEST                       |
|                                  | ) |                               |
|                                  | ) |                               |

COME NOW, the Protestant, Bruneau Buckaroo Co-Operative Ditch Company together with the Applicant Ace Black Ranches, and hereby stipulate to settle the above referenced matter as follows:

A. The parties agree to the following:

1. That one source of this right is wastewater from the Jones Waste Ditch.
2. Bruneau Buckaroo Cooperative Ditch Company, as part of its irrigation delivery and distribution system, owns and controls a right of way for the Jones Waste Ditch.
3. That the wasting of water into the Jones Waste Ditch is at the discretion of Bruneau Buckaroo Cooperative Ditch Company and may be discontinued at any time.

B. Ace Black Ranches agrees that permit no. 51-13127 shall be conditioned to provide as follows:

1. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
2. The points of diversion described above in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T06S, R06E divert from an Unnamed Drain that is locally known as the Jones Waste Ditch.

C. Provided the conditions listed in Section B hereinabove are included in any approval of permit no. 51-13127, Bruneau Buckaroo Cooperative Ditch Company hereby withdraws its protest to application for permit no. 51-13127.

Dated this 21 day of February, <sup>2019</sup>~~2018~~.

BRUNEAU BUCKAROO COOPERATIVE DITCH CO.

Frank L. Bachman  
Frank Bachman, President

Dated this 21 day of February, <sup>2019</sup>~~2018~~.

ACE BLACK RANCHES

Terry Black  
Terry Black  
Managing Partner

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 21<sup>st</sup> day of February, ~~2018~~<sup>2019</sup>, he caused a true and correct copy of the within and foregoing document to be transmitted by ~~U.S. mail~~<sup>U.S. hand</sup> ~~mail~~<sup>delivery</sup> to the following:

Terry Black  
Ace Black Ranches  
28892 Hot Springs Road  
Bruneau, ID 83604

Charles Honsinger  
Honsinger Law, PLLC  
P.O. Box 517  
Boise, ID 83701

Charles Z. Honsinger  
Person ~~Mailing~~<sup>Delivery</sup> Document