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RECEIVED

JAN 17 2019

WATER RESOURCES
WESTERN REGION

Attorneys for Protestant
Middleton Irrigation Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

APPLICATION FOR PERMIT
NOS. 63-34582 THRU 63-34594 (13 Total)
IN THE NAME OF DRK, LLC

STIPULATION TO RESOLVE PROTEST

COMES NOW, Applicant DRK, LLC (hereinafter "Applicant"), and the Protestant Middleton Irrigation Association, Inc. (hereinafter "Protestant"), and hereby submit this *Stipulation to Resolve Protest* in the above-captioned matter.

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant have agreed to enter into a License Agreement, which shall be recorded with the Canyon County Recorder's Office, concerning the use and delivery of irrigation water from Protestant's facilities, namely the Lemp Lateral, to continue to provide primary surface water to the Applicant's property along with the supplemental water which may be utilized consistent with Applicant's permits for Water Right Nos. 63-34582 thru 63-34594. In addition to the terms and conditions provided in said License Agreement, Applicant and Protestant agree that the permits for Water Right Nos. 63-34582 thru 63-34594 may be granted contingent

upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right Nos. 63-34582 thru 63-34594:

a. The primary surface irrigation water for the place of use authorized under this right is delivered by Middleton Irrigation Association, Inc. The right holder shall make full beneficial use of said primary surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion under this right to those times when the primary surface water supply is not available or the primary surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

b. If the primary surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

c. This right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre at the field headgate for irrigation of the place of use.

2. Protestant hereby withdraws its Protest filed in the above-captioned matter based upon the inclusion of the conditions stated in this Stipulation in Applicant's final Permit to Appropriate Water for Water Right Nos. 63-34582 thru 63-34594. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.

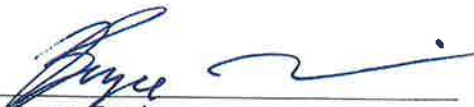
DATED this 8 day of January, 2019.

By: Michael H. Conklin
MANAGING MEMBER
DRK, LLC

DATED this 15 day of January, 2019.

SAWTOOTH LAW OFFICES, PLLC

By:


S. Bryce Farris

Attorneys for Protestant, Middleton Irrigation
Association, Inc.

CERTIFICATE OF SERVICE

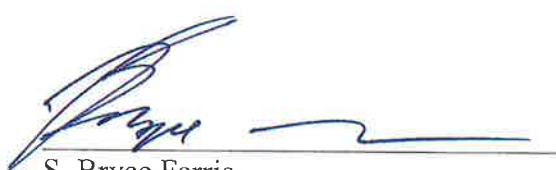
I HEREBY CERTIFY that on this 15th day of January, 2019, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST** to be served by the method indicated below, and addressed to the following:

Alan Mills
P.O. Box 206
Middleton, ID 83644

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

DRK, LLC
11347 W. Dallan Ct.
Boise, ID 83713

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


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Monday, January 14, 2019

David P. Claiborne *

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Frank Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera **

Guy B. Zimmerman

James R. Bennetts (retired)

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

Clerk of the Court
Idaho Department of Water Resources
Western Region
2735 W. Airport Way
Boise, ID 83705

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WATER RESOURCES
WESTERN REGION

Re: DRK, LLC / Middleton Irrigation Association, Inc. – Protest re.
Water Right Nos. 63-34582 thru 63-34594

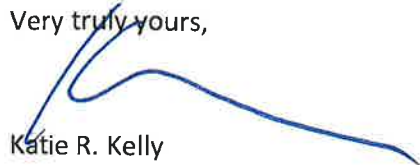
Dear Clerk:

Enclosed for filing with the Department, please find an original and one copy of the Stipulation to Resolve Protest with regard to the above-referenced matter.

Please return a conformed copy to me in the envelope provided.

Thank you for your assistance.

Very truly yours,


Katie R. Kelly
Assistant to S. Bryce Farris

Enclosures