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WATER RESOURCES
WESTERN REGION

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November 2, 2018

VIA HAND DELIVERY

Nick Miller
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 65-23704*

Dear Mr. Miller:

I hereby submit a fully-executed and notarized **original** Agreement to Condition Water Right executed by the Applicants and the Protestants in connection with the above-referenced matter. Please contact me if you have any questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas
Enclosure
cc: Greg Simione/Gerold Dennett w/ copy of enclosure
Merl and Carol Casey w/ copy of enclosure

AGREEMENT TO CONDITION WATER RIGHT

This Agreement, effective the 22nd day of October, 2018, by and between Merl and Carol Casey (hereinafter "Protestants"), and Greg Simione and Gerold Dennett, (hereinafter "Applicants"), is intended to resolve the protest lodged in water right application no. 65-23704 by Protestants.

WHEREAS, in 2017 Applicants submitted Application No. 65-23704 with the Idaho Department of Water Resources for an irrigation water right which would divert water from an unnamed stream, occasionally referred to locally as Card Creek; and

WHEREAS, on or about March 30, 2018, Applicants have amended their Application No. 65-23704 to provide for one acre of irrigation and a total diversion rate of 0.03 cubic feet per second ("cfs"); and

WHEREAS, Protestants have filed a protest to Application No. 65-23704 due to the potential impact such use may have on the continued ability of the Protestants to maintain and deliver water from the same stream to their property; and

WHEREAS, these Protestants and the Applicants have conferred and have agreed that including the following provisions in any permit that should issue for water right no. 65-23704, and in any license that may issue for the same water right, will satisfy the concerns of these Protestants and allow them to withdraw their protest to water right no. 65-23704; and

THEREFORE, these Protestants and Applicants hereby agree that the following terms and conditions, in substantially the form set forth below, shall be included on the water right permit, should such a permit issue for water right no. 65-23704:

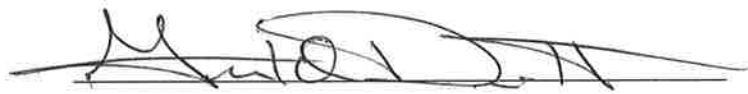
1. Permit No. 65-23704 shall provide for a maximum of 1 acre of irrigation and a total quantity of no more than 0.03 cfs.
2. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year under this right unless the watermaster authorizes in writing, based on water availability in the source, continued diversion and use of water during the current irrigation season for a limited period of additional time after such date.
3. Permit No. 65-23704's single point of diversion shall be downstream of Protestants' water right no. 65-10861's box and diversion works in the NE1/4NE1/4 of Section 22, Township 10 North, Range 4 East, Boise Meridian. The diversion, delivery and use of water right no. 65-23704 shall not interfere with the diversion, delivery and use of water under senior water right no. 65-10861.
4. No construction shall be undertaken in connection with this right to divert water that will remove or alter the banks of the stream without prior written approvals, as required by law.

When this Agreement has been fully executed by the Protestants and the Applicants, and approved by the Idaho Department of Water Resources, and a permit decision consistent with the terms of this Agreement is issued by the Idaho Department of Water Resources and becomes final after the passage of all applicable periods of appeal, Protestants will withdraw their protest of Application for Permit No. 65-23704.

Dated this 15th day of October, 2018.


Greg Simone

Dated this 15th day of October, 2018


Gerold Dennett

Dated this 22 day of October, 2018.


Merl Casey

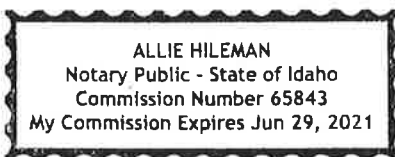
Dated this 22 day of October, 2018.


Carol Casey

STATE OF Idaho)
) ss.
County of Boise)

On this 15th day of October, 2018, before me, Allie Hileman, a Notary Public in and for said state, personally appeared Greg Simone, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

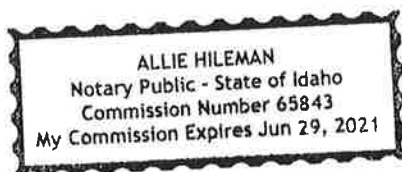


Allie Hileman
Notary Public for Idaho
Residing at Garden Valley, ID
My commission expires 6/29/21

STATE OF Idaho)
) ss.
County of Boise)

On this 15th day of October, 2018, before me, Allie Hileman, a Notary Public in and for said state, personally appeared Gerold Dennett, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

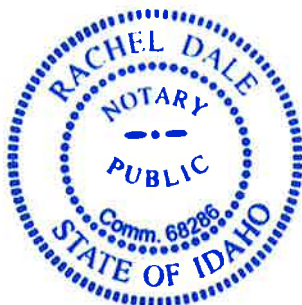


Allie Hileman
Notary Public for Idaho
Residing at Garden Valley, ID
My commission expires 6/29/21

STATE OF IDAHO)
) ss.
County of Boise)

On this 22 day of October, 2018, before me, Rachel Dale, a Notary Public in and for said state, personally appeared Merl Casey, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rachel Dale
Notary Public for Idaho
Residing at Horse Shoe Bend ID
My commission expires 8/10/22

STATE OF IDAHO)
) ss.
County of Boise)

On this 22 day of October, 2018, before me, Rachel Dale, a Notary Public in and for said state, personally appeared Carol Casey, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rachel Dale
Notary Public for Idaho
Residing at Horseshoe Bend ID
My commission expires 8/10/22