



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2018

LATAH COUNTY COMMISSIONERS
522 SOUTH ADAMS
PO BOX 8068
MOSCOW, ID 83843

RE: Withdrawal of Protest against Application for Permit No(s). 86-12048

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Douglas Jones, P.E.
Northern Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2018

V KAREN HIXSON REVOCABLE TRUST
4410 HWY 8
TROY, ID 83871

RE: Withdrawal of Protest against Application for Permit No(s). 86-12048

Dear Applicant(s):

The Department of Water Resources has received withdrawal of protest against the above referenced application. Withdrawals have been received from the following protestants:

Protest from LATAH COUNTY COMMISSIONERS has been withdrawn.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Douglas Jones, P.E.
Northern Regional Manager



Latah County
BOARD OF COUNTY COMMISSIONERS

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us
Thomas C. Lamar ♦ David McGraw ♦ Richard Walser

December 5, 2018

RECEIVED

DEC 10 2018

IDWR / NORTH

Director Gary Spackman
Department of Water Resources, Northern Region
7600 Mineral Drive, Suite 100
Coeur D' Alene, ID 83815

Director Spackman,

The Latah County Board of Commissioners would like to withdraw their protest of water right application number 86-12048 for V. Karen Hixson Revocable Trust, 4410 Hwy 8, Troy, Idaho 83871 as Latah County has reached a Settlement Agreement with the applicant (dated July 31, 2017). We appreciate the opportunity to comment on this application and the opportunity to discuss the project with the applicant.

Thank you for your time.

Sincerely,

Thomas C. Lamar
Chair

David McGraw
Commissioner

Richard Walser
Commissioner

Cc: V. Karen Hixson Revocable Trust

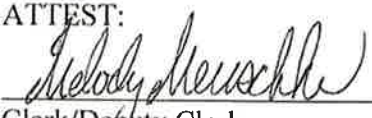


LATAH COUNTY
BOARD OF COMMISSIONERS
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 883-7208 ♦ Fax: (208) 883-2280
bocc@latah.id.us

COMMISSIONER Walser MOVES THAT THE BOARD:
approve the Chair's signature on a Settlement Agreement for Latah County's protest to V. Karen
Hixson Revocable Trust's Water Right Application #86-12048 to Idaho Department of Water
Resources. The Board will withdraw their protest upon confirmation of the modifications as
outlined in said Agreement.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
 Thomas C. Lamar, Chair District II	<u>✓</u>	<u> </u>	<u> </u>
 David McGraw, Commissioner District III	<u>X</u>	<u> </u>	<u> </u>
 Richard Walser, Commissioner District I	<u>✓</u>	<u> </u>	<u> </u>

ATTEST:

Clerk/Deputy Clerk

DATE:
7-31-2017

**SETTLEMENT AGREEMENT FOR LATAH COUNTY'S PROTEST TO V.
KAREN HIXSON REVOCABLE TRUST'S WATER RIGHT
APPLICATION #86-12048**

SECTION 1. INTRODUCTION

Latah County ("County") filed a timely protest on the application for Water Right #86-12048 made by V. Karen Hixson Revocable Trust ("Hixson"). Through negotiations, County agreed to withdraw its protest in exchange for modifications to the application for Water Right #86-12048. This Settlement Agreement by and between Hixson and County sets forth these terms and conditions.

SECTION 2. OBJECTIVE

To ensure that the amounts shown in Water Right #86-12048 withdrawn from groundwater by Hixson for the purpose of irrigation are not harmful to properties utilizing the same aquifer for drinking water.

SECTION 3. TERMS AND CONDITIONS

Hixson agrees that Items #5 and #6 on "Application for Permit to appropriate the public waters of the State of Idaho" from the State of Idaho Department of Water Resources for Water Right #86-12048("Application") shall be modified as such:

5. Water will be used for the following purposes:

Amount .02 for domestic purposes from 1/1 to 12/31 (both dates inclusive)

Amount .03 for irrigation purposes from 4/15 to 11/15 (both dates inclusive)

6. Total quantity to be appropriated is (a) .05 cubic feet per second (cfs) and/or (b) ___ acre feet per year (af).

Hixson agrees that they shall not withdraw more than a total of .02 cubic feet per second for their house/domestic use and .03 cubic feet per second to irrigate 1.5 acres of mixed crops, including trees, using drip irrigation or other techniques to conserve the amount of water used. It is expected that the actual usage by Hixson will likely be much lower than these amounts due to the actual production of the well (approximately 9 gallons per minute), the use of drip irrigation, and because the amount of water typically used for normal household uses runs from 80 to 250 gallons per person per day. It is assumed that Hixson will use proportionally less water if irrigating fewer acres.

In their effort to conserve water, Hixson also agrees that they shall use best water saving practices when irrigating their farm and shall investigate possible surface water sources for irrigation.

Upon modification of the Application/Water Right Permit #86-12048, County agrees to withdraw its protest of Water Right #86-12048.

This Agreement shall be effective upon signing and implementation by the Idaho Department of Water Resources.

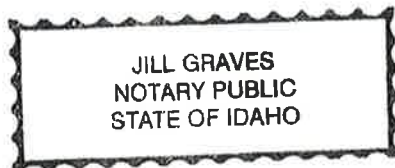

Thomas C. Lamar, Chairman


Clerk/Deputy

V. Karen Hixson
V. Karen Hixson Revocable Trust

STATE OF IDAHO)
) ss.
County of LATAH)

On this 24th day of July, 2017, before me, a notary public, personally appeared V. Karen Hixson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.



Notary Public for Idaho
Commission Expires 03-26-22

From: Alleman, Tammy
To: ["hixsonvk@gmail.com"](mailto:hixsonvk@gmail.com); ["MEFuson@latah.id.us"](mailto:MEFuson@latah.id.us)
Cc: [Jones, Doug](#); [Frederick, Adam](#)
Subject: Protested Application for Permit # 86-12048 V Karen Hixson Revocable Trust
Date: Tuesday, November 20, 2018 3:18:00 PM
Attachments: [Protest 86-12048.pdf](#)
[Proposed Settlement Agreement for 86-12048.pdf](#)

Good afternoon Interested Parties:

I am going through protested applications to try and get them resolved or moving towards that goal. I was not employed with IDWR at the time of this application and so I am trying to figure out where we are in this process and if we should proceed with setting up a Pre-Hearing Conference to try and resolve the issues of the protested application prior to scheduling a hearing. I did find a tentative Settlement Agreement from Latah County Commissioners in the file and I have attached it to the email along with a copy of the original protest. Please review the attachment and notify me of any necessary changes to proceed with the Agreement or, if this is not acceptable, please notify me to schedule a Pre-Hearing Conference. If the Pre-Hearing Conference is to be scheduled, I think we could do a Telephone Conference for the parties involved.

I am anxious to find out where we left off with this application and move toward a resolve if possible. If you have any questions or concerns, please contact me. I appreciate your assistance with this matter.

Thank you,

Tammy

Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax



**Latah County
BOARD OF COUNTY COMMISSIONERS**

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us
Thomas C. Lamar ♦ David McGraw ♦ Richard Walser

May 26, 2017

V. Karen Hixson Revocable Trust
4410 Highway 8
Troy, ID 83871

Dear Mr. and Mrs. Hixson,

Please review and sign the enclosed Settlement Agreement for Latah County's protest to Idaho Department of Water Resources (IDWR) on your Water Right Application #86-12048, based on the discussion held during your meeting with the Board on April 12, 2017. Please note that you do need to sign the Agreement in front of a notary. Once signed, please return it to the Commissioner's office to be placed on their agenda. Once it is approved and signed by the Board a copy will be forwarded to IDWR to modify the permit. After they modify the permit they will forward a draft to you as well as the County. If we are both satisfied with the draft, IDWR will consider the protest settled and issue the permit. If you have any questions, please feel free to contact us.

Sincerely,

Kara N. Egan
Deputy Clerk and Administrative Assistant
to the Board of Latah County Commissioners

Case, Morgan

From: Case, Morgan
Sent: Friday, May 05, 2017 5:09 PM
To: 'Michelle Fuson'
Cc: 'hixsonvk@gmail.com'
Subject: RE: Hixson Water right Settlement Agreement

Michelle,

The Idaho Department of Water Resources (Department) can issue permits for less than the quantities proposed in the original application without the need for a formal amendment of the application. If this settlement agreement is signed and submitted to the Department, we will prepare a draft permit incorporating the modifications proposed (reduction of domestic diversion rate to 0.2 cfs and irrigation rate to 0.03 cfs, with a total diversion rate of 0.05 cfs). We will then send the draft permit to both parties for review to determine whether it meets the terms of the settlement. If both parties are satisfied with the draft, we will consider the protest settled, and issue the permit.

Thank you for working towards settlement.

Please let me know if you have any questions.

Morgan

CC: V Hixson Revocable Trust

Morgan Case
Northern Regional Manager
Idaho Department of Water Resources
7600 N Mineral Dr. Suite 100
Coeur d'Alene, ID 83815
208.762.2800

From: Michelle Fuson [mailto:MFuson@latah.id.us]
Sent: Friday, May 05, 2017 3:02 PM
To: Case, Morgan <Morgan.Case@idwr.idaho.gov>
Subject: Hixson Water right Settlement Agreement

Hello!

We would very much appreciate your review of this water right protest settlement agreement prior to us gathering signatures. We modeled it after the last protest we settled. I had our attorney at the County review it as well.

Thanks!

Michelle Fuson
Latah County

RECEIVED

MAY 05 2017

ATTACHMENT

IDWR/SETTLEMENT AGREEMENT FOR LATAH COUNTY'S PROTEST TO V.
KAREN HIXSON REVOCABLE TRUST'S WATER RIGHT
APPLICATION #86-12048

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SECTION 3. TERMS AND CONDITIONS

Hixson agrees that Items #5 and #6 on "Application for Permit to appropriate the public waters of the State of Idaho" from the State of Idaho Department of Water Resources for Water Right #86-12048("Application") shall be modified as such:

5. *Water will be used for the following purposes:*

Amount .02 for domestic purposes from 1/1 to 12/31 (both dates inclusive)

Amount .03 for irrigation purposes from 4/15 to 11/15 (both dates inclusive)

6. *Total quantity to be appropriated is (a).05 cubic feet per second (cfs) and/or (b)___ acre feet per year (af).*

Hixson agrees that they shall not withdraw more than a total of .02 cubic feet per second for their house/domestic use and .03 cubic feet per second to irrigate 1.5 acres of mixed crops, including trees, using drip irrigation or other techniques to conserve the amount of water used. It is expected that the actual usage by Hixson will likely be much lower than these amounts due to the actual production of the well (approximately 9 gallons per minute), the use of drip irrigation, and because the amount of water typically used for normal household uses runs from 80 to 250 gallons per person per day. It is assumed that Hixson will use proportionally less water if irrigating fewer acres.

In their effort to conserve water, Hixson also agrees that they shall use best water saving practices when irrigating their farm and shall investigate possible surface water sources for irrigation.

Upon modification of the Application/Water Right Permit #86-12048, County agrees to withdraw its protest of Water Right #86-12048.

SECTION 4. EFFECTIVE DATE

This Agreement shall be effective upon signing and implementation by the Idaho Department of Water Resources.

DATED this _____ day of _____ 2017.

Thomas C. Lamar, Chairman

Attest: _____
Clerk/Deputy Clerk of the Board

DATED this ____ day of _____ 2017.

V. Karen Hixson Revocable Trust

Printed Name: _____

Date: _____

Notary Public in and for said State

Residing at _____

My Commission Expires _____