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JUN 25 2018
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 82209, INVOLVING) **SETTLEMENT AGREEMENT**
WATER RIGHT 02-07039 IN THE NAME OF)
DALE AND DIANA HOOLEY)
_____)

The United States of America ("Protestant") and Dale & Diana Hooley ("Applicants") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protest of Application for Transfer No. 82209 ("Application"), involving water right 02-07039.

STIPULATION

WHEREAS, the Applicants filed an Application for Transfer No. 82209 on March 1, 2018 with IDWR seeking to split 02-07039 into Part A (9.07 cfs/ 2,435 acre-feet) and Part B (2.63 cfs/ 705 acre-feet). Part A of 02-07039 will remain at the existing Point of Diversion ("POD") with fewer total irrigated acres within the Permissible Place of Use ("PPU"). Part A also introduced a new legal land description to the PPU that entirely describes federal land: T05S, R07E, S33, NESE. Part B adds a new POD and new Places of Use ("POU") which entirely describe private land.

WHEREAS, the BLM filed a protest of Application for Transfer No. 82209 because Part A of 02-07039 sought a legal land description under the POU element that completely describes BLM land (T05S, R07E, S33, NESE (40 acres)). Aerial photography shows irrigated agricultural activity on federal land within SENE, NESE, SWSE, and SESE, S33, T05S, R07E.

The Applicants are not authorized to conduct irrigated agricultural activities on federal land.

WHEREAS, the Protestant and the Applicants wish to resolve their dispute regarding Application for Transfer No. 82209;

THEREFORE, the Protestant and the Applicants stipulate and agree as follows:

1. The Applicants agree and stipulate to file an amendment to Application for Transfer No. 82209 removing BLM land from the place of use element: T05S, R07E, S33, NESE.
2. The Applicants agree and stipulate to immediately and forever cease the application of water to, and agricultural use of land owned by the United States within SENE, NESE, SWSE, and SESE, S33, T05S, R07E.
3. The Protestant hereby withdraws its protest upon acceptance, approval and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

APPLICANTS:


Dale Hooley Date 6/19/2018


Diana Hooley Date 6/19/18

PROTESTANT:

U.S.D.I., Bureau of Land Management


Fredric W. Price Date 6/25/2018
Water Rights Specialist

CERTIFICATE OF SERVICE

I certify that on June 25, 2018, I served a true and correct copy of foregoing **Settlement Agreement; Application for Transfer No. 82209** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

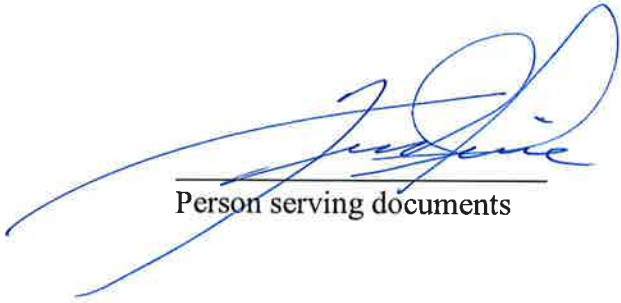
Nick Miller, P.E., Regional Manger
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83627-5082

Copies to:

Dale and Diana Hooley
26796 Indian Cove Lane
Hammett, Idaho 83627-5016

SPF Water Engineering
c/o Lori Graves
300 East Mallard Drive, Suite 350
Boise, Idaho 83706-6660

Al Tarter, Natural Resource Specialist
Becky Lazdauskas, Realty Specialist
U.S., Department of the Interior
Bureau of Land Management
Boise District Office
3948 South Development Avenue
Boise, Idaho 83705-5339



Person serving documents