

RECEIVED

MAY 29 2018

DEPARTMENT OF
WATER RESOURCES

RECEIVED
NRC SOUTH
MAY 29 2018

9:00 A.M.

RECEIVED
JUN 04 2018
Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR) **SETTLEMENT AGREEMENT**
PERMIT NO. 22-14308 IN THE NAME OF)
KLB, Inc.)
_____)

The United States of America ("Protestant") and KLB, Inc. ("Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protest of Application for Permit No. 22-14308.

STIPULATION

WHEREAS, the Applicant filed an Amended Application for Permit No. 22-14308 ("Application") on March 12, 2018 with IDWR seeking an additional 12.4 cfs for irrigation purposes to supplement existing water rights 22-07196, 22-07256, and 22-13329.

WHEREAS, the BLM has filed a protest of the Application because: (1) the point of diversion ("POD") describes BLM land; and (2) the place of use ("POU") description includes legal land descriptions entirely describing BLM land, as well as, legal land descriptions that are mixed ownership (i.e. containing both public and private land).

WHEREAS, the Applicant is authorized to irrigate federal land under a Land Use Permit (Contract No. 13-07-14-LA779) issued by the Bureau of Reclamation on April 2, 2018.

WHEREAS, the BLM wishes to ensure that the Applicant is authorized to convey this new water use through the existing diversion on federal land, and to authorize use of water on federal land for irrigated agricultural uses.

//

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding Amended Application for Permit No. 22-14308;

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

1. The parties agree and stipulate that the following conditions shall be placed on any approved transfer:

(a) "This right does not grant any right-of-way or easement across the land of another."

(b) "Place of use does not include federal lands unless authorized in writing by the United States Bureau of Reclamation."

(c) "Prior to diversion and use of water under this approval, the right holder shall obtain Bureau of Reclamation authorization necessary to access the point of diversion or place of use or to convey water across federal land."

2. The Protestant hereby withdraws its protest upon acceptance, approval and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

APPLICANT:
KLB, Inc.

March A. Brown 5-23-2018
March A. Brown Date
President

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

Fredric W. Price 5-29-2018
Fredric W. Price Date
Water Rights Specialist

CERTIFICATE OF SERVICE

I certify that on May 29, 2018, I served a true and correct copy of foregoing **Settlement Agreement; Application for Permit No. 22-14308** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

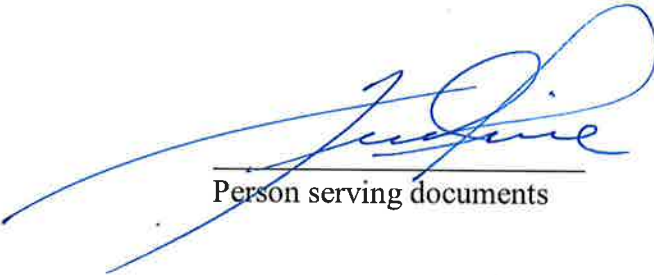
Jeff Peppersack, Administrator
Idaho Department of Water Resources
Idaho State Office
Water Management Division
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

Lyle Swank, Regional Manager
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

KLB, Inc.
P.O. Box 579
Rexburg, Idaho 83440-0579

Deena Teel, Assistant Field Manager
U.S., Department of the Interior
Bureau of Land Management
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100



Person serving documents