

Cooperative Agreement

This Cooperative Agreement shall be effective on the last date below written between M & T Ranches, LLC, the Applicant and Carroll Carlock, Allen Coburn and Chris Macaw the Protestants, together the Parties, and is entered into to resolve the protests against Application for Transfer No. 81190 to the satisfaction of all Parties.

WHEREAS, Applicant filed Application for Transfer No. 81190 on September 6, 2016 to permit installation of pivots and other sprinkler irrigation methods to better utilize the available water supply for the ranch;

WHEREAS, Applicant has reduced the number of irrigated acres from 225 to 217 through the Application for Transfer;

WHEREAS, Applicant holds irrigation water rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069 and 65-9538 in addition to irrigation from storage water rights 65-2945, 65-9539 and 65-10473;

WHEREAS, Applicant's water rights 65-3063, 65-3064 and 65-3065 for a total of 2.43 cfs, all with priority date 6-1-1879, are senior to all water rights held by Protestants, and Applicant agrees to not divert more than 2.43 cfs based on the design of his irrigation system during times of water shortage and to use Applicant's best efforts to further reduce Applicant's rate of diversion to accomplish the purposes of this Agreement;

WHEREAS, all Parties wish to keep Little Squaw Creek continuously flowing downstream of Applicant's points of diversion during periods of drought;

WHEREAS, all Parties have stock water rights that can be exercised when Little Squaw Creek contains water downstream of Applicant's points of diversion;

WHEREAS, Protestant Coburn has requested that water be made available for his 4-1-1884 priority irrigation water rights, on a case by case basis when no water is otherwise available, and when doing so does not cause material injury to Applicant's senior water rights, and Applicant agrees to make best efforts to reduce Applicant's use of natural flow water, provided Protestant Coburn makes a simultaneous request of Protestants Carlock and Macaw to provide water for Protestant Coburn;

WHEREAS, Protestants agree to withdraw their protests and by signing this Agreement do withdraw their protests against Application for Transfer No. 81190 based upon the terms of this Agreement;

WHEREAS, the Parties recognize that water right 65-3067 is senior to all of the Parties' water rights and water right 65-3066 is of equal priority to Applicant's most senior water rights, that the owner of water rights 65-3066 and 65-3067 is not party to this Agreement and when a delivery call is made for water rights 65-3066 and/or 65-3067 Little Squaw Creek may be dried in spite of best efforts by Applicant;

WHEREAS, the Parties agree none of the actions contemplated by this Agreement constitute a forfeiture or abandonment of any water right.

NOW, THEREFORE, the Parties agree that the best efforts of Applicant as described above and agreed to by the Applicant as evidenced by the Applicant signing below allow the Protestants to each withdraw their protest against approval of Application for Transfer No. 81190 and by signing below do withdraw their respective protest.

Signed this 15TH day of July 2017,

Mark F. Andelin

M & T Ranches, LLC by Mark F. Andelin, Manager

Signed this 6TH August day of ~~July~~ 2017,

Carroll Carlock

Carroll Carlock

Signed this 6TH August day of ~~July~~ 2017,

Allen Coburn

Allen Coburn

Signed this 17TH day of July 2017

Chris Macaw

Chris Macaw



RECEIVED

AUG 24 2017

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 25 2017

WATER RESOURCES
WESTERN REGION

Hand Delivered

August 25, 2017

Nick Miller
Western Region Manager
Idaho Department of Water Resources
2725 Airport Way
Boise, ID 83705-5082

RE: Application for Transfer No. 81190 in the Name of M&T Ranches, LLC

Dear Nick:

Attached is an executed Cooperative Agreement resolving the protests against approval of the above referenced transfer application.

Please let me know if you have any questions or if I can provide you with any additional information. Thank you in advance.

Yours truly,

David Shaw

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Enc.

cc: M&T Ranches, LLC w/o Enc.

Consultants in
Natural Resources
and the Environment