

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 13-07996 AND APPLICATION) **SETTLEMENT AGREEMENT**
FOR TRANSFER NO. 81756 BOTH FILED)
IN THE NAME OF PACIFICORP, AN)
OREGON CORPORATION)

The United States of America ("Protestant") and PacifiCorp, an Oregon Corporation ("Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protests of Application for Permit No. 13-07996 and Application Transfer No. 81756 (involving 13-00963).

STIPULATION

WHEREAS, the Applicant filed Application for Permit No. 13-07996 and Application for Transfer No. 81756 (involving 13-00963) on July 1, 2017 with the Idaho Department of Water Resources ("IDWR") to seek a new Point of Diversion ("POD") for fish propagation.

WHEREAS, the BLM filed protests to Application for Permit No. 13-07996 and Application for Transfer No. 81756 because the POD described a legal land description that entirely describes federal public land managed by BLM (T10S, R40E, S28, NESWSW). At the time of protest, the Applicant was not authorized to construct a POD nor a conveyance conduit on federal land for fish propagation purposes.

WHEREAS, the Applicant filed an Application for Right-of-Way ("ROW") on August 14, 2017, and a grant of ROW was issued by BLM on August 23, 2017.

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding Application for Permit No. 13-07996 and Application for Transfer No. 81756;

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

1. The parties agree and stipulate that IDWR should approve the Application for Permit No. 13-07996 and Application for Transfer No. 81756, provided that the following limiting conditions are included in IDWR's approvals:

a. "This right does not grant a right-of-way or easement across the land of another."; and

b. "This right is subordinate to any rights established on this water source under federal law pursuant to Public Water Reserve 107."

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

Respectfully submitted,

APPLICANT:
PACIFICORP, an Oregon Corporation

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

Jack H. Korman
Signature

8/30/2017
Date

Fredric W. Price
Water Rights Specialist

8/30/2017
Date

Jack H. Korman
Printed Name

Prov Director
Title

CERTIFICATE OF SERVICE

I certify that on Aug 30, 2017, I served a true and correct copy of foregoing **Settlement Agreement; Application for Permit No. 13-07996 and Application for Transfer No. 81756** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

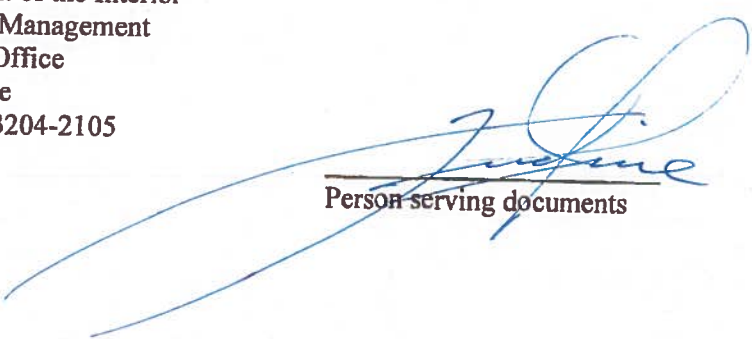
Original to: IDWR STATE OFFICE

copy to: Lyle Swank, Regional Manager
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Copies to:

PacifiCorp, an Oregon Corporation
1407 W. North Temple #110
Salt Lake City, Utah 84116-3187
ATTN: Buffi Morris, Water Rights Administrator

Blaine Newman, Acting Field Office Manager
U.S., Department of the Interior
Bureau of Land Management
Pocatello Field Office
4350 Cliffs Drive
Boise, Idaho 83204-2105


Person serving documents