

June 28, 2016

Idaho Department of Water Resources, Northern Region
7600 Mineral Drive, Suite 100
Coeur d' Alene, Idaho 83815

RECEIVED

JUL - 7 2016

IDWR/NORTHERN

RE: Application for Permit No. 96-9611

Dear Mrs. Chase,

The following is a settlement agreement reached between the applicant, Robert Trotter, and the protestant, Jeffrey Pennick over the withdrawal of water during periods of low flow. Upon signature of the applicant agreeing to the terms set forth I, Jeffrey Pennick withdraw my protest. Enclosed is the signed Notice of Withdrawal of Protest form.

SETTLEMENT AGREEMENT

The terms of the agreement are as follows:

- 1) At such time that the flow of water above ground at the point of diversion of permit holder, Jeffrey Pennick, Water Right No. 96-08257, ceases, Robert Trotter will be notified. He agrees to voluntarily stop withdrawing water from Cougar Creek until water is flowing again past the diversion of Jeffrey Pennick's water system, and he can again resume withdrawing water from Cougar Creek.
- 2) An additional point of reference to determine flow is at the culvert where Cougar Creek flows under the county road. There is no knowledge of the correlation between the flow at this point and downstream flow but when that is established and agreed upon then the point of reference may change to the culvert location for ease of monitoring.
- 3) This document will be void if additional new water rights are granted upstream on Cougar Creek that are not a party to this agreement.
- 4) This agreement may be modified as needed requiring both parties' signatures.

The following parties agree to these terms in good faith.

Jeffrey Pennick

 7/2/2016

Robert Trotter

 7/2/2016