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RECEIVED
JUL 25 2016
Department of Water Resources
Eastern Region

*Counsel for Protestant Idaho Department of Fish
and Game*

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS
FOR PERMIT NO. 25-14425 IN THE
NAME OF CORP OF PRESIDING BISHOP
CHURCH OF JESUS CHRIST LATTER-
DAY SAINTS

STIPULATION AND JOINT
MOTION TO APPROVE
CONDITIONS

Applicant Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints ("CPB") and protestant Idaho Department of Fish and Game ("IDFG") by and through their undersigned counsel of record, and pursuant to IDAPA 37.01.01.204, .260, .557 and .612, hereby stipulate to a settlement of IDFG's protest in the above-entitled matter, the terms and conditions of which are set forth herein.

The parties agree that the following conditions (the "Conditions") should be included in any approvals of Applications for Permit No. 25-14425:

Condition 1: An intake screen of 1/4 inch or smaller mesh shall be maintained at the point of diversion. The right holder must ensure the intake screen remains operational at all times and shall be responsible for maintenance, repair, and replacement of the

STIPULATION AND JOINT MOTION
TO APPROVE CONDITIONS - 1

intake screen. The right holder shall consult the Idaho Department of Fish and Game prior to replacing the fish screen.

Condition No. 2: The right holder shall not divert water at a rate exceeding $\frac{1}{2}$ of the total flow of South Fork Sellars Creek

Condition No. 3: Use of water under this right shall be non-consumptive.

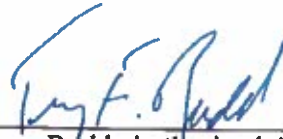
Condition No. 4: The right holder shall install measuring devices to determine the instantaneous rate of flow of water into the diversion and the flow in South Fork Sellars Creek.

The parties move the Department of Water Resources of the State of Idaho (the "Department"), pursuant to IDAPA 37.01.01.557, .612 for an order ("Order") approving the Conditions set forth herein and confirming that they will be included by the Department in any approvals of application 25-14425.

IDFG's protests to application 25-14425 shall be deemed withdrawn upon the issuance of a Final Order stating that the Conditions are approved and shall be made a part of the application 25-14425's approval. Provided that the application is not subsequently amended from its current form, except as may be required by the Department to continue processing, the withdrawal of IDFG's protest shall be with prejudice.

The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein including the Conditions in accordance with the terms of this Stipulation; each party to bear its own costs, expenses, and attorney's fees.

DATED: July 18, 2016.



Terry Rudd, Authorized Agent
*Corporation of the Presiding Bishop of The
Church of Jesus Christ of Latter-day Saints,
a Utah corporation sole*

DATED: July 26th, 2016.



Ann Y. Vonde
Attorney for Idaho Department of Fish and Game

**STIPULATION AND JOINT MOTION
TO APPROVE CONDITIONS - 3**

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of July, 2016 a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

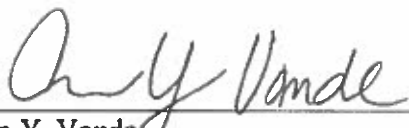
James Cefalo
Idaho Department of Water Resources
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☐ U.S. Mail, postage prepaid
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Corp of Presiding Bishop of LDS Church
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mpdavidson@ldschurch.org

By: _____


Ann Y. Vonde
Deputy Attorney General