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WATER RESOURCES
WESTERN REGION

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Attorneys for Black Mesa Farms, L.L.C.

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 78428 IN THE NAME OF
BLACK MESA FARMS, L.L.C.

STIPULATION FOR WITHDRAWAL
OF PROTEST

Protestant Idaho Power Company (the "Idaho Power") through its attorneys Barker Rosholt & Simpson, LLP, and Applicant Black Mesa Farms, L.L.C., ("Black Mesa"), through its attorneys Givens Pursley LLP, hereby stipulate to Idaho Power's withdrawal with prejudice of its protest filed in this matter provided that any approval of the Transfer be conditioned substantially as follows:

1. The use of water is subject to the attached "IRRIGATION PLAN."

1.1 Prior to August 31, 2014, the applicant shall report directly to the Department and the watermaster of Water District 02 the location of the 838 acres initially irrigated from March 15, 2014 to October 15, 2014. The applicant shall also report that portion of the 838 acres intended to be dried up (defined as "A" acres under the plan) in exchange for irrigation of other lands between October 15 and November 15, 2014 (defined as "B" acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting.

1.2 Beginning in 2014 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 02 prior to May 1, the location of the 838 acres of crops that will be irrigated between March 15 and October 15. The applicant shall also report prior to October 15, the location

and the number of the "A" acres (that portion of the 838 acres to be dried up on or before October 15), and the number and location of the "B" acres (the acres to be irrigated in the fall between October 15 and November 15). Further, the applicant shall maintain and provide to the watermaster on request a record of the dates on which diversions to the "A" acres cease and on which diversions to the "B" acres begin and cease.

1.3 Identification or reporting to the Department and the Water District 02 watermaster of the 838 cropped acres, the "A" acres, and the "B" acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file.

1.4 The total number of "B" acres shall not exceed the number of "A" acres in any irrigation season. The total volume of water delivered to "B" acres for each year shall not exceed 487.5 acre-ft.

1.5 Application of water to "B" acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to "B" acres shall not provide water to irrigate crops for harvest in the same fall.

1.6 The "B" acres identified for fall irrigation in any year shall be included in the 838 cropped acres for the subsequent season.

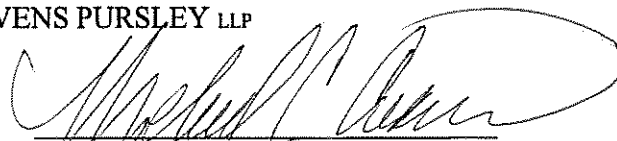
1.7 The watermaster of Water District 02 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval.

2. Failure to adhere to the conditions of use and timelines set forth on the "IRRIGATION PLAN" shall be cause for this approval to be revoked with prejudice.

Respectfully submitted this 21st day of May, 2014.

GIVENS PURSLEY LLP

By

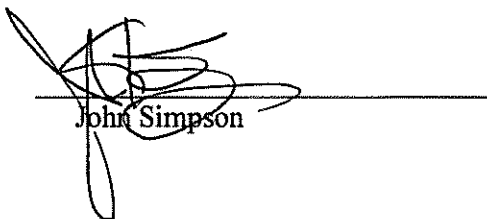
A large, stylized handwritten signature in black ink, appearing to read "Michael C. Creamer".

Michael C. Creamer

Attorneys for Black Mesa Farms, L.L.C.

BARKER ROSHOLT & SIMPSON LLP

By

A handwritten signature in black ink, appearing to read "John Simpson", written over a horizontal line.

John Simpson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of May, 2014, a true and correct copy of the foregoing was served by United States mail, postage prepaid and properly addressed to the following:

John K. Simpson
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1010 W Jefferson St., Ste. 102
P.O. Box 2139
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John Westra
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2735 Airport Way
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Michael C. Creamer