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WATER RESOURCES  
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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TRANSFER NO. 78560 INVOLVING ) **SETTLEMENT AGREEMENT**  
WATER RIGHT NO. 61-10841 IN THE )  
NAME OF IDAHO WATER COMPANY, )  
LLC.

The United States of America (hereinafter "Protestant") and Idaho Water Company, LLC (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of Application for Transfer 78560 involving water right 61-10841 as follows:

**STIPULATION**

WHEREAS, the BLM has filed a protest of Application for Transfer 78560, because the place of use description includes a legal land description which contains both private and public land (NESE, S19, T04S, R05E); and

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding this water permit application;

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

1. The parties stipulate and agree that the water transfer application should be approved by the Idaho Department of Water Resources ("IDWR"), provided the following condition shall be included in the approved transfer, should such transfer be granted by IDWR: "Place of use does not include federal public lands."

2. The parties agree and stipulate that the condition described above resolves BLM's protest by clarifying the place of use element such that it is clear the place of use excludes federal public lands.

3. The Protestant hereby withdraws its protest upon acceptance and approval of this Agreement by IDWR.

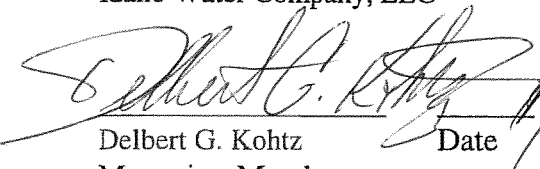
Respectfully submitted,

**APPLICANT:**

Idaho Water Company, LLC

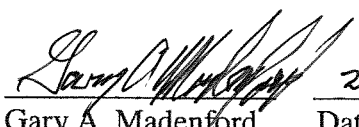
**PROTESTANT:**

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

  
Delbert G. Kohtz  
Managing Member

Date

1/27/2014

  
Gary A. Madenford  
Water Rights Team Leader

Date

2/3/2014

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**CERTIFICATE OF SERVICE**

I certify that on 02-03-<sup>4</sup>2014, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; Application for Transfer No. 78560** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Idaho Department of Water Resources (IDWR)  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

Copies to:

Idaho Water Company, LLC  
C/O Del Kohtz,  
1135 Valley Road South  
Eden, ID 83325

SPF Water Engineering, LLC  
C/o Lori Graves (Water Rights Specialist)  
300 E. Mallard Dr., Suite 350  
Boise, ID 83706

James Tarter, Riparian Specialist  
U.S., Department of the Interior,  
Bureau of Land Management,  
Boise Field Office  
3948 Development Avenue  
Boise, ID 83705

  
Person serving documents

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