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Department of Water Resources
Eastern Region

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MARY STEPHENSON
GORDON STEPHENSON
30 N. Baker Rd.
Salmon ID 83467-5170
Applicants

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and Game*

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

**IN THE MATTER OF APPLICATION
FOR PERMIT NO. 74-15964
(Stephenson)**

)
)
)
) **STIPULATION AND JOINT MOTION TO**
) **APPROVE CONDITION**
)
)
)
)

Applicants Mary and Gordon Stephenson ("The Stephensons") and Protestants Idaho Department of Fish and Game ("IDFG"), pursuant to IDAPA 37.01.01.612, hereby stipulate to a settlement of IDFG's protest in the above-entitled matters, the terms and conditions of which are set forth herein.

The parties agree that the following condition should be included in any approvals of Application for Permit No. 74-15964:

STIPULATION AND MOTION TO APPROVE CONDITION - 1

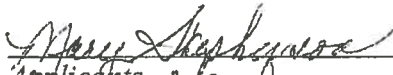
Condition No. 1. Prior to diversion and use of water under this permit, the right holder shall install a functioning fish screen approved by the Idaho Department of Fish and Game on the pond outlet structure. The right holder must ensure the fish screen remains operational at all times and shall be responsible for maintenance, repair, and replacement costs associated with the fish screen. In the event the fish screen fails to operate properly, the right holder shall take timely steps to repair, replace, or otherwise maintain the fish screen to restore it to a functioning state. The right holder shall consult with the Idaho Department of Fish and Game prior to replacing the fish screen.

The parties request that the Department confirm its acceptance of the stipulation by issuing an order ("Order") approving the condition and confirming that it will be included by the Department in any approval of the Application.

IDFG's protest to application for permit 74-15964 shall be deemed withdrawn upon the issuance the Order accepting this stipulation. This stipulation shall not be construed to obligate the expenditure of funds by any public agency beyond the amount available for such purposes through lawful authorization and appropriation.

DATED: April ____, 2014.

MARY STEPHENSON
GORDON STEPHENSON


Applicants


DATED: ^{June} ~~April~~ 11th, 2014. OFFICE OF THE ATTORNEY GENERAL


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of ~~April~~ June, 2014, I caused to be served a true and correct copy of the foregoing STIPULATION AND MOTION TO APPROVE CONDITION by placing a copy thereof in the manner listed below:

1. Original to:

Idaho Department of Water Resources
Eastern Region
Attn. James Cefalo
900 North Skyline Drive
Ste. A
Idaho Falls ID 83402

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

2. Copies to

Mary Stephenson
Gordon Stephenson
30 N. Baker Rd.
Salmon ID 83467-5170

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail

Idaho Department of Fish and Game
Upper Snake Region
Attn: Tom Bassista
4279 Commerce Circle
Idaho Falls ID 83401

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☐ Statehouse Mail



ANN Y. VONDE
Deputy Attorney General