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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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MAY 19 2014

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 79270 IN THE) **SETTLEMENT AGREEMENT**
NAME OF SIX S RANCH, LLC)
_____)

The United States of America ("Protestant") and Six S Ranch, LLC ("Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protest of Application for Transfer No. 79270 ("Application") as follows:

STIPULATION

WHEREAS, the Applicant filed the Application on April 18, 2014 with the Idaho Department of Water Resources ("IDWR") to add two Points of Diversion ("POD") to three existing water rights: 45-02625, 45-07021 and 45-14376.

WHEREAS, the BLM has filed a protest of the Application, because it contains a new legal land description within the Place of Use ("POU") element that was not included in these water rights "as recorded" prior to filing of the Application and which describes federal public land administered by BLM: T10S, R25E, S35, NWNW (0.50 acres);

WHEREAS, the BLM also protested because the map attached to the Application includes a portion of this federal public land legal land description within the POU boundary;

WHEREAS, the parties believe the inclusion of federal public land in the POU element was due to a typographical error; and

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding this

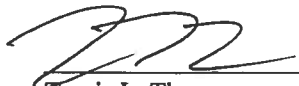
Application;

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

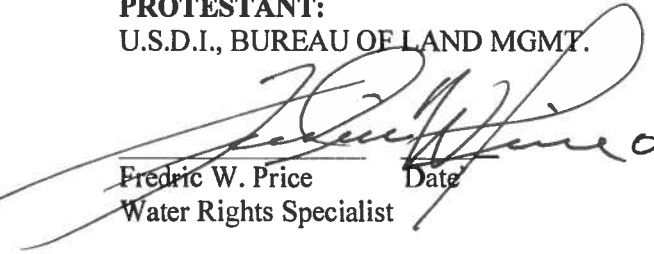
1. The parties stipulate and agree that the Application should be approved by IDWR, provided the legal land description describing federal public land within T10S, R25E, S35, NWNW is removed from the POU element.
2. The Applicant hereby amends its Application to remove the legal land description described above from the POU element that is federal public land.
3. The parties further stipulate and agree that the Application should be approved by IDWR, provided the map attached to the Application is amended to exclude the legal land description described above that is federal public land.
4. The Applicant hereby amends its Application to remove federal public land from the map of the POU element.
5. The parties agree and stipulate that the amendments to the Application described above resolve BLM's protest, provided the amendments are reflected in any transfer approval that IDWR may issue.
6. The Protestant hereby withdraws its protest upon acceptance and approval of this Agreement in its entirety by IDWR.

Respectfully submitted,

APPLICANT:
SIX S RANCH, LLC


Travis L. Thompson
BARKER, ROSHOLT & SIMPSON, LLP
Of Attorneys for Applicant
Date 5/19/14

PROTESTANT:
U.S.D.I., BUREAU OF LAND MGMT.


Fredric W. Price
Water Rights Specialist
Date 05-19-2014

CERTIFICATE OF SERVICE

I certify that on May 19, 2014, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; Application for Transfer No. 79270** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Jeff Peppersack, Administrator
Idaho Department of Water Resources (IDWR)
Idaho State Office
Water Management Division,
P.O. Box 83720
322 East Front St.
Boise, Idaho 83720-0098

Copies to:

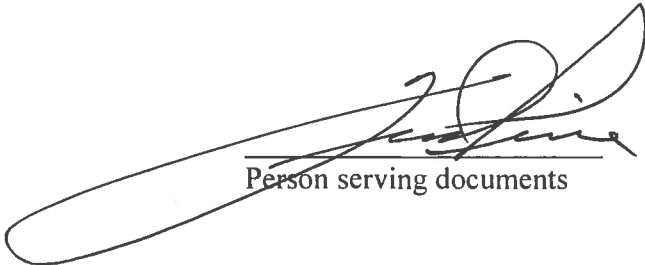
Allen D. Merritt, P.E., Regional Manager
Idaho Department of Water Resources (IDWR)
Southern Regional Office
650 Addison Ave. W., Ste 500
Twin Falls, ID 83301-5858

Travis L. Thompson, ISB #6168
BARKER, ROSHOLT & SIMPSON, LLP
195 River Vista Place, Ste. 204
Twin Falls, ID 83301-3029

Steven Davis, Hydrologist
U.S.D.I., BLM
Burley Field Office
15 East 200 South
Burley, ID 83318-5435

William A. Parsons, ISB #849
PARSONS, SMITH, STONE, LOVELAND & SHIRLEY LLP
P.O. Box 910
Burley, ID 83318-0910

Six S Ranch, LLC
1354 E. Six S Ranch Rd.
Declo, ID 83323-5054



Person serving documents