

ORIGINAL

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ISB #3862

RECEIVED
JAN 13 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Attorneys for the Applicant, Terence Creighton

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN RE: Transfer No. 78777 (water right no.)
37-21260)

TERENCE CREIGHTON,)

Applicant.)

STIPULATION TO RESOLVE
PROTESTS

COMES NOW, the Applicant, Terence Creighton, by and through Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C., and the Big Wood Canal Company ("BWCC"), by and through Craig D. Hobdey hereby STIPULATE and AGREE to resolve the Protest filed by the BWCC, said protest being filed on October 21, 2013, as follows:

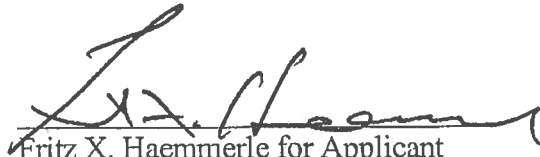
1. **BWCC Protest:** The transfer sought to leave 0.01 cfs in the Comstock Ditch as conveyance water. During the Pre-hearing Conference on this matter held on December 19, 2013, the water master was called to determine whether or not any of water right 37-21260 was being delivered into the Comstock Ditch. No water was being delivered into the Comstock Ditch under water right 37-21260 and no users of the Comstock Ditch requested that water be left in the Comstock Ditch as conveyance loss. Accordingly, the parties agreed, and IDWR concurred, that

STIPULATION TO RESOLVE PROTESTS - 1

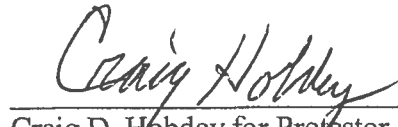
the 0.01 cfs originally to be left in the Comstock Ditch could instead be left in the Big Wood River as mitigation for the transfer. The Applicant's attorney agreed to the water being left in the Big Wood River as mitigation without agreeing that any mitigation was required or necessary, and said agreement was an accommodation to resolve the protests on the transfer. The BWCC withdraws all their remaining protests, reserving its rights to file any protests on the same and similar grounds for other transfers, without waiving any rights.

DATED this 19 day of December, 2013.

By:


Fritz X. Haemmerle for Applicant
Terence Creighton

By:


Craig D. Hobdey for Protestor
Big Wood Canal Company

CERTIFICATE OF MAILING

I certify that on December 19, 2013, I mailed the original and copies of this response, including all attachments, to the following persons:

Craig D. Hobdey
HOBDEY LAW OFFICES
P.O. Box 176
Gooding, ID 83330

- X By depositing copies of the same in the United States Mail, postage prepaid, at the post office at Hailey, Idaho.
- By hand delivering copies of the same to the office of the attorney(s) at his offices in Hailey, Idaho.
- By telecopying copies of same to said attorney(s) at the telecopier number listed above, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office at Hailey, Idaho.


FRITZ X. HAEMMERLE

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

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January 7, 2014

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDWR Southern Region
c/o Allen Merritt
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Creighton Transfer: Transfer No. 78777

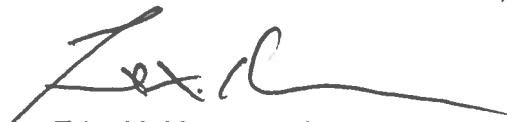
Dear Allen:

Please find enclosed an executed Stipulation to Resolve Protest in the aforementioned case. If there is anything else that is required to conclude this matter, please do not hesitate to call.

Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client