

MEMORANDUM

DATE: December 12, 2013

TO: Water Right Files 65-3111X and 65-23493

FROM: Shelley W. Keen ^{SWK}

RE: Hearing Outcome

On December 10, 2013, I commenced a hearing to collect testimony and evidence in connection with the protests against Application for Permit No. 65-23493 and Application for Transfer No. 78252 (Water Right No. 65-3111X). The applicant, Allen Ranches LLLP, was represented by attorney Bruce Smith. The following protestants appeared:

- Sandra Chess
- Jim Bunce
- Cris McClintick
- Randy McClintick

Protestant West Mountain Properties LLC did not appear at the hearing. Individual members of protestant West Mountain Water Association Inc. were present, but West Mountain Water Association Inc. did not participate because it was not represented by an attorney.

Ron Shurtleff and J. R. Allen testified on December 10. The hearing resumed on December 11, and J. R. Allen finished his testimony. After a break at approximately 10:45 a.m., the parties in attendance informed me that they wished to pursue settlement discussions. We adjourned until 1:00 so the parties could discuss settlement. IDWR staff member Mat Weaver participated in the discussions to be sure that any proposed settlement could be supported and implemented by IDWR.

At 1:00 p.m. the protestants informed me that they had reached an agreement to withdraw their protests if IDWR would agree to impose two conditions (attached) to any approvals issued by IDWR. I reviewed the proposed conditions and found them to be acceptable.

On the record, I explained that the two absent parties had not agreed to the settlement, and I would have to send proposed notices of default to West Mountain Properties LLC and West Mountain Water Association Inc. before I could consider issuing an order agreeing to impose the two conditions. Also on the record, the protestants in attendance agreed that their protests should be considered withdrawn if and when I am able to issue an order agreeing to the conditions.

We adjourned at approximately 2:15 p.m.

1. Between 4/15 – 10/15, when the water right holder is diverting into Little Rock Creek from Rock Creek from the Upper Point of Diversion, the watermaster shall ensure between 0.40 – 0.54 cfs is left in Rock Creek to supply downstream water users in Rock Creek.

2. For the extended irrigation season, the water right holder agrees there ^{will} be no use of temporary diversion works at the Upper Point of Diversion after 12/1.

→ Other parties

NAN appearance -
this

located at
NWSW Sec 3
T13N R3E

located at
NWSW Section 3
T13N R3E