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DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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Resource Board*

BEFORE THE DEPARTMENT OF WATER RESOURCES OF  
THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS  
FOR TRANSFER NOS. 78396 AND  
78398

STIPULATION AND JOINT  
MOTION TO APPROVE  
CONDITIONS

Applicant Blaine County Recreation District ("BCRD") and Protestants Idaho Water Resource Board (the "IWRB") (collectively, the "Parties"), by and through their undersigned counsel of record, and pursuant to IDAPA 37.01.01.204, .260, .557 and .612, hereby stipulate to a settlement of the IWRB's protest in the above-entitled matters, the terms and conditions of which are set forth herein.

The parties agree that the following condition (“Condition”) should be included in any approval of Transfer Nos. 78396 and 78398 (together, the “Transfers”):

To prevent injury to water rights 37-7919 and 37-8307, held by the Idaho Water Resource Board for minimum stream flows in the Big Wood River, the use of ground water authorized by transfers 78396 and 78398 shall be subject to curtailment four (4) days after flows at the Hailey gauge drop below 189 cfs.

The parties move the Department, pursuant to IDAPA 37.01.01.612 for an order (“Order”) approving the Condition and confirming that the Condition will be included by the Department in any approvals of the Transfers.

The IWRB’s protest to the Transfers shall be deemed withdrawn upon the issuance of a final Order stating that the Condition is approved and shall be made a part of the respective Transfers’ approvals. Provided that the Transfers are not subsequently amended from their current form except as may be required by the Department to continue processing, the withdrawal of the IWRB’s protest shall be with prejudice.

The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein including the Condition; each party to bear its own costs, expenses, and attorney’s fees.

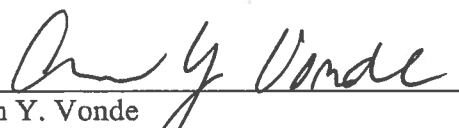
DATED: June 25<sup>th</sup>, 2013.

SPECK & AANESTAD  
A Professional Corporation

  
\_\_\_\_\_  
James P. Speck  
*Attorneys for Blaine County Recreation District*

DATED: June 25<sup>th</sup>, 2013.

OFFICE OF THE ATTORNEY GENERAL

  
\_\_\_\_\_  
Ann Y. Vonde  
*Attorney for Idaho Water Resource Board*

### CERTIFICATE OF SERVICE

I hereby certify that on the 25<sup>th</sup> day of June, 2013, a true and correct copy of the foregoing STIPULATION AND JOINT MOTION TO APPROVE CONDITION was filed and/or served upon the following individual(s) by the means indicated:

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By: Ann Y. Vonde