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DEPT. OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 78359 FILED ALONZO B.) **SETTLEMENT AGREEMENT**
LEAVELL)
_____)

The United States of America (hereinafter "Protestant") and Alonzo B. LeaVell (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of Application for Transfer No. 78359 as follows:

STIPULATION

WHEREAS, the Applicant filed Application for Transfer No. 78359 on March 31, 2008 with the Idaho Department of Water Resources ("IDWR") to add two Points of Diversion and involving water right numbers 37-13043, 37-13112, 37-13113, 37-13114, 37-21401, 37-21402, 37-21403, 37-21404 and 37-21405;

WHEREAS, the BLM filed a protest of Application for Transfer No. 78359 because it describes the place of use (POU) element with a list of legal land descriptions that is inconsistent with the digital boundary agreed to in the Snake River Basin Adjudication (SRBA) pursuant to a Standard Form 5 (SF-5)/digital boundary CD filed with the SRBA Court in subcases 37-00867 et. al on May 22, 2012;

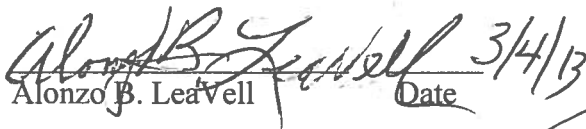
WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding Application for Transfer No. 78359;

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

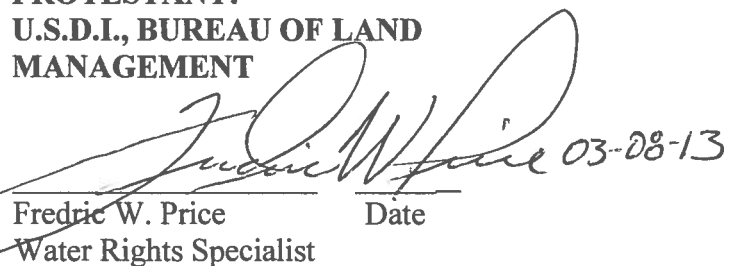
1. The Applicant stipulates and agrees that, despite the list of legal land descriptions which is inconsistent with SRBA settlement, Application for Transfer No. 78359 does not seek to change the digital boundary description for Big Wood Canal Company which was established pursuant to Standard Forms 5 and Digital Boundary CD filed with the SRBA Court on May 22, 2012 in subcases 37-00867 et. al.
2. The Applicant stipulates and agrees that Application for Transfer No. 78359 does not seek to modify or remove the administrative provision Partially Decreed by the SRBA Court on November 29, 2012 for the water rights involved in this transfer which reads as follows: "Place of use does not include federal public lands unless authorized in writing by the managing federal agency."
3. The Protestant hereby withdraws its protest upon acceptance, approval and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

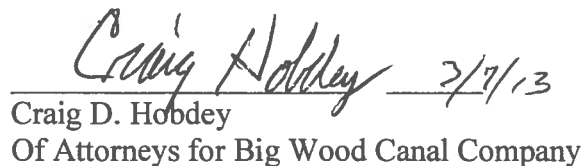
APPLICANT:
ALONZO B. LEAVELL


Alonzo B. Leavell Date 3/4/13

PROTESTANT:
**U.S.D.I., BUREAU OF LAND
MANAGEMENT**


Fredric W. Price Date 03-08-13
Water Rights Specialist

OWNER OF WATER RIGHTS:
BIG WOOD CANAL COMPANY


Craig D. Hobday 3/7/13
Of Attorneys for Big Wood Canal Company

CERTIFICATE OF SERVICE

I certify that on 3 / 8, 2013, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; APPLICATION FOR TRANSFER NO. 78359** 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 Street
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources (IDWR)
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Alonzo B. LeaVell
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Gooding, Idaho 83330

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Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, Idaho 83301

Craig D. Hobdey, ISB #3199
HOBDEY LAW OFFICE, PLLC
P.O. Box 176
Gooding, Idaho 83330
REPRESENTING:
Big Wood Canal Company

Steve Davis, Hydrologist
U.S.D.I., BLM
Burley Field Office (MS-220)
15 East 200 South
Burley, Idaho 83318


Person serving documents