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Department of Water Resources
Eastern Region

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Attorneys for Miller Family Real Estate L.L.C.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 13-7784, IN THE NAME OF MILLER FAMILY) **STIPULATION FOR**
REAL ESTATE, LLC) **WITHDRAWAL OF**
) **STRONGARM RESERVOIR**
) **IRRIGATION DISTRICT'S**
) **PROTEST**
)

COMES NOW, Applicant, Miller Family Real Estate L.L.C. ("Miller"), by and through
its attorneys of record, and Protestant, Strongarm Reservoir Irrigation District ("Strongarm"),
and hereby stipulate to the withdrawal of the *Notice of Protest*, filed by Strongarm in this matter,
dated May 31, 2011. This Stipulation is submitted to the Idaho Department of Water Resources
("IDWR") pursuant and subject to the *Settlement Agreement* between Miller and Strongarm,
effective May 1, 2012, attached hereto, as Exhibit A.

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**STIPULATION FOR WITHDRAWAL OF STRONGARM RESERVOIR
IRRIGATION DISTRICT'S PROTEST**

Dated this 5th day of Feb., 2012

BARKER ROSHOLT & SIMPSON LLP



Paul A. Arrington
Sarah W. Higer

Attorneys for Miller Family Real Estate LLC

Dated this 11 day of Jan, 201~~2~~³

STRONGARM RESERVOIR IRRIGATION DISTRICT



President

ATTEST:



Secretary

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Department of Water Resources
Eastern Region

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is entered by and between MILLER FAMILY REAL ESTATE, L.L.C., a Utah limited liability company, 9350 South 150 East Suite 1000, Sandy, Utah 84070 ("MFRE") and STRONGARM RESERVOIR IRRIGATION DISTRICT, 2806 West 7400 North, Preston, Idaho 83263 ("Strongarm").

RECITALS

WHEREAS, MFRE filed an Application for Permit (the "Application"), on May 3, 2011, with the Idaho Department of Water Resources ("IDWR"); and

WHEREAS, the Application, assigned water right number 13-7784, seeks to divert water from Cottonwood Creek, Stockton Creek and Current Creek into the Miller Reservoir, with a season of use identified as "1/1 to 12/31;" and

WHEREAS, Strongarm filed a Protest against the Application on June 1, 2011; and

WHEREAS, the parties desire to settle and resolve Strongarm's Protest pursuant to the terms of this Agreement;

NOW THEREFORE, in consideration of the mutual promises and performances set forth below, the sufficiency of which is hereby acknowledged, the Parties agree as follows.

1. SEASON OF USE: The season of use of water right 13-7784, for diversions of water from Cottonwood Creek through the Treasureton Canal, shall be limited to "4/1 to 10/31."

2. AFFIRMATION OF PRIORITY: MFRE recognizes and confirms that water right 13-7784 is subject to the laws of the State of Idaho as it relates to the diversion, use and administration of water. Particularly, MFRE recognizes that water right 13-7784 will be junior in priority to water rights 13-2303, owned by Strongarm, and that, in times of shortage, MFRE's use of water right 13-7784 may be curtailed to satisfy water rights with a senior priority.

3. BINDING AGREEMENT: This Agreement shall be binding on the parties upon Strongarm's withdrawal of its protest to Water Right 13-7784.

4. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof.

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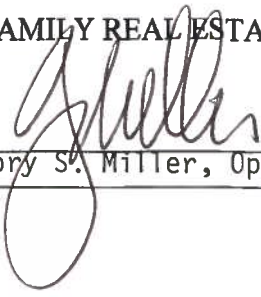
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DATED THIS 31 day of January, 201³:

MILLER FAMILY REAL ESTATE, L.L.C.

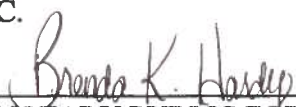
By 
Its Gregory S. Miller, Operating Manager

NOTARY

STATE OF UTAH)
)ss.
County of Salt Lake)

On this 31 day of January, 201³, personally appeared before me GREGORY S. MILLER, who, being by me first duly sworn, declared that he is the Operating Manager of MILLER FAMILY REAL ESTATE, L.L.C., that he signed the foregoing document as the Operating Manager of MILLER FAMILY REAL ESTATE, L.L.C.




NOTARY PUBLIC FOR UTAH
Residing at: 9350 S. 150 E. Suite 100
My Commission Expires: 2-4-2014

DATED THIS 11 day of JAN, 201¹³~~12~~

STRONGARM RESERVOIR IRRIGATION DISTRICT

Miles Liddle
President

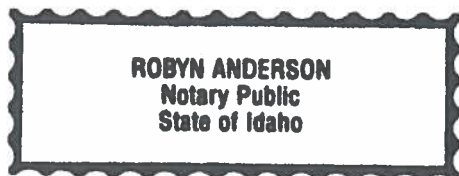
ATTEST:

Jill D Jamison
Secretary

NOTARY

STATE OF IDAHO)
)ss.
County of Franklin)

On this 11 day of Jan, 201¹³~~12~~, personally appeared before me Miles Liddle ~~and Jill Jamison~~ who, being by me first duly sworn, declared that he is the President of STRONGARM IRRIGATION COMPANY, and Jill Jamison who, being by be first duly sworn, declared that he is the Secretary of STRONGARM IRRIGATION COMPANY, that they signed the foregoing document as the President and Secretary, respectively, of STRONGARM IRRIGATION COMPANY.



Robyn Anderson
NOTARY PUBLIC FOR Franklin ID
Residing at: Franklin ID
My Commission Expires: 12-10-18

Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson
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Department of Water Resources
Eastern Region

February 5, 2013

James Cefalo
Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402

Re: *Application for Permit No. 13-7784 - Miller Family Real Estate, LLC*

Dear Mr. Cefalo,

Enclosed, for filing, please find the original and a copy of the *Stipulation for Withdrawal of Strongarm Reservoir Irrigation District's Protest and Settlement Agreement* regarding the above referenced matter.

Please conform the copies and mail them back to our office via the self addressed postage prepaid envelope.

Should you have any questions, please contact Paul L. Arrington at (208) 733-0700.

Thank you,

Jessica Nielsen

Assistant for Paul L. Arrington

Enclosures
PLA/jn