

JUL 25 2012

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 76901)
IN THE NAME OF EAGLE VALLEY) **SETTLEMENT AGREEMENT**
RANCH, LLC)

The United States of America (hereinafter "Protestant") and Eagle Valley Ranch, LLC (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of Transfer No. 76901, involving Water Right Nos. 74-00175, 74-00176, 74-00177, 74-00181, 74-00182, 74-00183, 74-00184, 74-00377 and 74-07155 as follows:

STIPULATION

WHEREAS, the Applicant filed Application for Transfer No. 76901 on February 18, 2011 with the Idaho Department of Water Resources ("IDWR") to abandon all the Bohannon Creek Points of Diversion (POD) except IDWR B-6 and allow all other upper Bohannon Creek water to be diverted at a new POD and conveyed by pipeline to existing pivots or conveyed by pipeline to some open ditches.

WHEREAS, The Applicant filed an Amended Application for Transfer No. 76901 on June 8, 2012 that resolved some of BLM's protest. The amendment also brings into the transfer another water right (74-07155) which includes Irrigation Storage.

WHEREAS, the BLM has filed a protest of Transfer No. 76901 for the following reasons:

- a. The place of use description includes a legal land description describing federal public land managed by BLM as follows: SENW, S12, T21N, R23E. This was removed in the amended application for transfer filed on June 8, 2012.

b. The place of use description includes legal land descriptions describing both private land and federal public land managed by BLM as follows: SESE, S11, and SWNW, NWSW, S12, T21N, R23E.

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding Transfer No. 76901;

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

1. The parties stipulate and agree that Transfer No. 76901 should be approved by the IDWR, provided legal land descriptions defining the place of use element are clarified such that it is clear only private land is intended and that federal public land is excluded.

2. The parties agree and stipulate that all of the places of use defined in water rights involved in Transfer No. 76901 describe a use of water for irrigation purposes on privately owned land and not upon federal public land. In order to clarify the place of use element such that it is clear each of the legal land descriptions describe acres of irrigation located entirely upon privately owned land and not federal public land, a condition shall be imposed on each of the water rights involved in said transfer which limits the use of water to the private portions of those place of use descriptions, as follows:

“Place of use for Irrigation purposes does not include federal public lands.”

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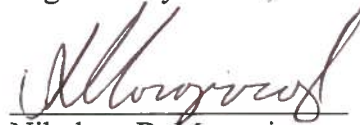
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3. The Protestant hereby withdraws its protest upon acceptance, approval and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

APPLICANT:

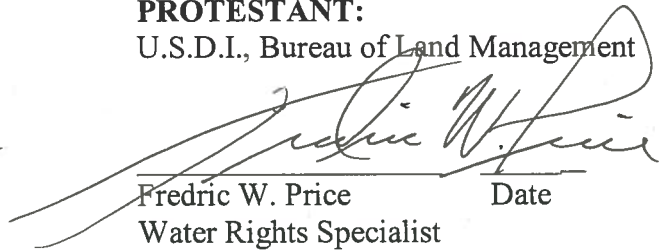
Eagle Valley Ranch, LLC


Nikolaos D. Monoyios
Manager

7/26/12
Date

PROTESTANT:

U.S.D.I., Bureau of Land Management


Fredric W. Price
Water Rights Specialist

07-23-12
Date


Valerie A. Brackett
Manager

7/20/12
Date

CERTIFICATE OF SERVICE

I certify that on 7 / 23, 2012, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; TRANSFER NO. 76901** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

James Cefalo, Program Manager
Idaho Department of Water Resources (IDWR)
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Copies to:

Eagle Valley Ranch
446 Bohannon Cr. Rd
Salmon, ID 83467

Gloria Jakovac, Realty Specialist
U.S.D.I., BLM
Salmon Field Office
1206 S. Challis St.
Salmon, ID 83467

David Logan, Maintenance Worker
U.S.D.I., BLM
Salmon Field Office
1206 S. Challis St.
Salmon, ID 83467

Brandon Anderson
Person serving documents