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IDWR / NORTH

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 94-08950 IN THE) **SETTLEMENT AGREEMENT**
NAME OF MICHAEL & NANCY)
BRANSTETTER)

The United States of America (hereinafter "Protestant") and Michael & Nancy Branstetter (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of water permit application no. 94-08950 as follows:

STIPULATION

WHEREAS, the BLM has filed a protest of water permit application no. 94-08950 because the place of use description includes two legal land descriptions which contain both private and public land (SESW, SWSW, S12, T48N, R04E). BLM's protest sought clarification of the point of diversion and place of use elements such that it was clear the use of water under this application was limited to private land and did not include federal public land; and

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding this water permit application;

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

1. The parties stipulate and agree that the water permit application should be approved by the Idaho Department of Water Resources ("IDWR"), provided the following condition shall be included in the respective approved water right permit and

license, should such permit and license be issued by IDWR: "Point of diversion does not include federal public lands" and "Place of use does not include federal public lands."

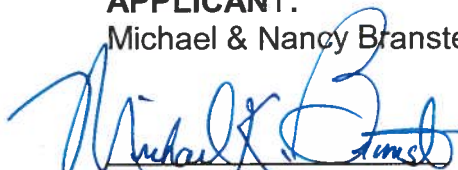
2. The parties agree and stipulate that the condition described above resolves BLM's protest by clarifying the place of use element such that it is clear the place of use excludes federal public land.

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

Respectfully submitted,

APPLICANT:

Michael & Nancy Branstetter

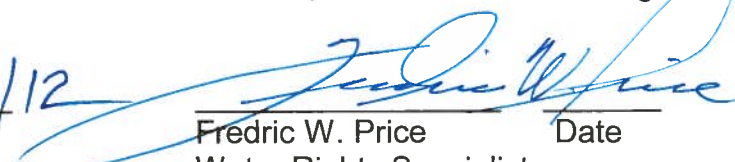

Michael Branstetter

Date

3/1/12

PROTESTANT:

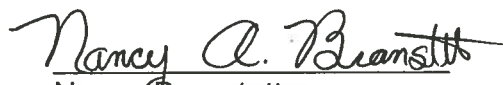
U.S.D.I., Bureau of Land Management


Fredric W. Price

Water Rights Specialist

Date

03-30-12


Nancy Branstetter

Date

2-29-12

CERTIFICATE OF SERVICE

I certify that on 3/29, 2012, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; APPLICATION NUMBER: 94-08950** 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)
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

Michael & Nancy Branstetter
P.O. Box 571
Osburn, Idaho 83849

Cynthia Weston, Resource Coordinator
U.S., Department of the Interior,
Bureau of Land Management,
Coeur d'Alene Field Office
3815 Schreiber Way
Coeur d'Alene, ID 83815

Brandon Anderson
Person serving documents