

IDWR / NORTH

"Place of use does not include federal public lands."

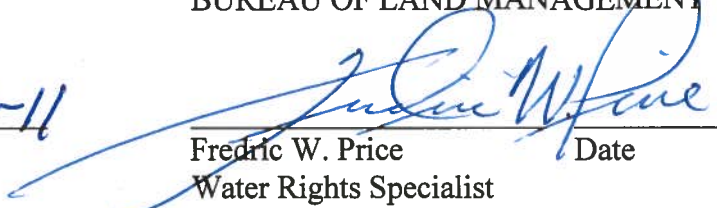
3. The parties agree and stipulate that if the conditions of approval described above are adopted by the Idaho Department of Water Resources ("IDWR"), then said conditions resolve BLM's protest by clarifying the location of the POD and POU such that it is clear only private land is intended. The Protestant hereby withdraws its protest of Application for Permit No. 94-07858 pursuant to the terms of this agreement.

Respectfully submitted,

APPLICANT:
ROD STUTZKE


Rod Stutzke 7-2-11
Date

PROTESTANT:
UNITED STATES, DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT


Fredric W. Price 07-06-11
Water Rights Specialist Date

CERTIFICATE OF SERVICE

I certify that on July 6, 2011, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; APPLICATION FOR PERMIT NO.: 94-07858** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

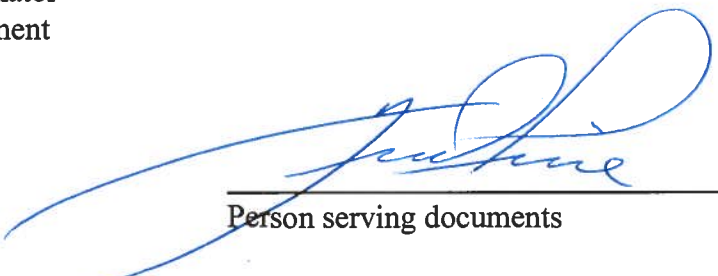
Original to:

Idaho Department of Water Resources
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815-7763

Copies to:

Rod Stutzke
P.O. Box 433
Murray, Idaho 83874

Cynthia Weston, Resource Coordinator
U.S.D.I., Bureau of Land Management
Coeur d'Alene Field Office
3815 Schreiber Way
Coeur d'Alene, Idaho 83815



Person serving documents



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

July 12, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Fredric W Price
USDI
Bureau of Land Management
1387 S Vinnell Way
Boise, ID 83709-1657

Re: Application For Permit to appropriate the Public Waters of the State of Idaho
No. 94-7858, Rod Stutzke

Dear Mr. Price:

Enclosed please find a draft permit that contains conditions found in the settlement agreement for protested water right application 94-7858. If the draft permit meets with your approval, please a letter agreeing with the draft permit and completion of the enclosed "Withdrawal of Protest" form within the next 30 days.

Once both parties agree to the draft permit and the protest is withdrawn, a final permit will then be issued to the applicant.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E Franklin
Interim Regional Manager

Enclosure

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

July 12, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Rod Stutzke
PO Box 433
Murray, ID 83874

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 94-7858, Rod Stutzke

Dear Mr. Stutzke:

Enclosed please find a draft permit that contains conditions found in the settlement agreement for protested water right application 94-7858. If the draft permit meets with your approval, please send me a letter, within the next 30 days, that you agree with the draft and subsequent conditions.

Once both parties agree to the draft permit and the protest is withdrawn, a final permit will then be issued to the applicant.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E Franklin
Interim Regional Manager

Enclosure

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 5, 2011

COPY

FREDRIC W PRICE
WATER RIGHTS SPECIALIST
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709

RE: Withdrawal of Protest against Application for Permit No(s). 94-7858

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no other protests outstanding.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Keith E. Franklin". The signature is written in a cursive, flowing style.

Keith E Franklin
Interim Program Manager

C: ROD STUTZKE
PO BOX 433
MURRAY ID 83874



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 5, 2011

ROD STUTZKE
PO BOX 433
MURRAY, ID 83874

COPY

RE: Withdrawal of Protest against Application for Permit No(s). 94-7858

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following protestants:

USDI - Bureau of Land Management

There are no other protests remaining.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Keith E. Franklin". The signature is written in a cursive style with a large, stylized 'K' and 'F'.

Keith E Franklin
Interim Program Manager

C: Fredric W Price
Bureau of Land Management
1387 S Vinnell Way
Boise, ID 83709



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

July 12, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Rod Stutzke
PO Box 433
Murray, ID 83874

RECEIVED
AUG - 3 2011
IDWR/NORTHERN

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 94-7858, Rod Stutzke

Dear Mr. Stutzke:

Enclosed please find a draft permit that contains conditions found in the settlement agreement for protested water right application 94-7858. If the draft permit meets with your approval, please send me a letter, within the next 30 days, that you agree with the draft and subsequent conditions.

Once both parties agree to the draft permit and the protest is withdrawn, a final permit will then be issued to the applicant.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E Franklin
Interim Regional Manager

Enclosure

I agree with this draft
and the conditions.

Thank you

8-2-11



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



In Reply Refer To:
7250 (933b)

July 25, 2011

Keith E. Franklin, Interim Regional Manager
Idaho Department of Water Resources (IDWR)
Northern Regional Office
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

RECEIVED

JUL 27 2011

IDWR/NORTHERN

Dear Mr. Franklin:

RE: Withdrawal of Protest:
Application for Permit No. 94-07858 f/b Rod Stutzke

By this letter, I state that I have the authority to act on behalf of the United States Department of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

IDWR provided BLM with a Draft Permit Approval ("Draft Permit") sent on July 12, 2011 that was prepared in response to BLM's protest. The Draft Permit clarifies that the legal land description for the POD and POU do not include federal public land pursuant to two remarks to be included as conditions of approval in the right, as agreed to in a Settlement Agreement ("Agreement") mailed to IDWR on July 06, 2011. The Draft Permit includes equivalent versions of the agreed to conditions of approval: "The point of diversion for this right is located within Mineral Survey No. 1014;" and "The place of use for this right does not include federal public lands."

The July 12, 2011 Draft Permit provided by IDWR resolves BLM's concerns; and if it is adopted by IDWR, then I hereby withdraw BLM's protest so that processing of the application can be completed.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,

Fredric W. Price
Water Rights Specialist

cc Rod Stutzke
P.O. Box 433
Coeur d'Alene, Idaho 83815