

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 75708 IN THE	)	SETTLEMENT AGREEMENT
NAME OF FLYING JOSEPH RANCH, LLC	)	
_____	)	

The United States of America (hereinafter "Protestant") and Flying Joseph Ranch, LLC (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. 75708 as follows:

STIPULATION

WHEREAS, the BLM has filed a protest of Application for Transfer No. 75708 (involving 73-00147A, 73-10041 and 73-12110) for several reasons: (1) the place of use description includes federal public land where such water using activity is not authorized (T13N, R22E, S14, SWNE); (2) the place of use includes descriptions that contain both private and federal lands (NWSE, S14, and NESE, S23, T13N, R22E) needing clarification; and (3) the Idaho Department of Water Resources (hereinafter "IDWR") representation of Application for Transfer No. 75708 in their electronic data system includes an unauthorized place of use on federal land which is not contained in the transfer application (Lot 4 (NWNW), S01, T13N, R22E); and

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

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

1. The parties stipulate and agree that the water permit should be approved by the Idaho Department of Water Resources, provided:

a. The place of use element for Transfer Application No. 75708 be amended to exclude federal public land within SWNE, S14, T13N, R22E. ✓

b. The place of use element for Transfer Application No. 75708 be amended to clarify that the use of water, within legal land descriptions containing both private and federal lands (NWSE, S14, and NESE, S23, T13N, R22E), is limited to use on non-federal lands by including a remark as follows: "Place of use does not include federal public lands."

c. IDWR correct its electronic data representation of the place of use element of Transfer Application No. 75708 to exclude the legal land description describing federal land which was not included in Transfer Application No. 75708 as filed by the Applicant: (Lot 4 (NWNW), S01, T13N, R22E).

2. The Applicant hereby amends the place of use element for Application for Transfer No. 75708 as follows:

a. Delete the SWNE, S14, T13N, R22E from the list of legal land descriptions; and

b. Include a clarifying remark which reads: "Place of use does not include federal public lands."

3. The Applicant hereby directs IDWR to correct their electronic data representation of Transfer Application No. 75708 to exclude the unclaimed place of use described as Lot 4

(NWNW), S01, T13N, R22E.

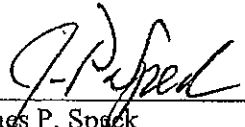
4. The parties agree and stipulate that the amendments and changes described above resolve BLM's protest provided that IDWR accepts these terms.

5. Pursuant to the terms of this agreement, the Protestant hereby withdraws its protest of Application for Transfer No. 75708.

6. Once the transfer is approved, the parties request that IDWR file a Notice of Completed Administrative Procedure ("NCAP") with the Snake River Basin Adjudication ("SRBA") Court in order to update the Partial Decrees which have been issued.

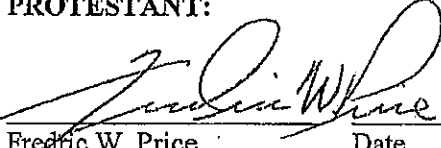
Respectfully submitted,

APPLICANT:


James P. Speck
Speck & Aanestad, PC
Attorney for Flying Joseph Ranch, LLC

10-8-10
Date

PROTESTANT:


Fredric W. Price
Water Rights Specialist
U.S.D.I., Bureau of Land Management

10-08-2010
Date

CERTIFICATE OF SERVICE

I certify that on Oct. 11, 2010, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; APPLICATION FOR TRANSFER NO. 75708** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

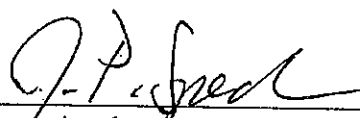
Idaho Department of Water Resources
Western Regional Office *322 East 1st St.*
~~2735 Airport Way~~ *P.O. Box 83720*
Boise, Idaho ~~83705-5082~~ *83720-0098*

Copies to:

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Ketchum, Idaho 83340
Attorney for Flying Joseph Ranch, LLC

Fredric W. Price, Water Rights Specialist
U.S.D.I., Bureau of Land Management
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Nathanial L. Arave, Geologist
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Person serving documents