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WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 02-10416 IN THE) SETTLEMENT AGREEMENT
NAME OF GEM IRRIGATION DISTRICT)
_____)

The United States of America (hereinafter "Protestant") and Gem Irrigation District (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") protest of water permit application #02-10416 as follows:

STIPULATION

WHEREAS, the BLM has filed a protest of water permit application #02-10416 because the place of use description included federal public land where such water using activity is not authorized; 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 should be approved by the Idaho Department of Water Resources, provided:

a. The place of use element for permit application 02-10416 be amended to exclude federal public land by conforming the digital boundary definition to that utilized in Snake River Basin Adjudication (SRBA) subcases 02-00064 and 02-00065 which was

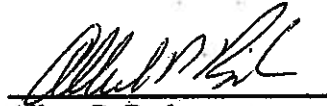
attached to the Amended Director's Report, In Re SRBA, Case No. 39576, Subcase No. 02-00064 and 02-00065 issued by the Idaho Department of Water Resources (hereinafter "IDWR") on May 8, 2009 and filed with the court on May 11, 2009.

2. The Applicant hereby amends the digital boundary definition of the place of use element for 02-10416 as described in paragraph one above.

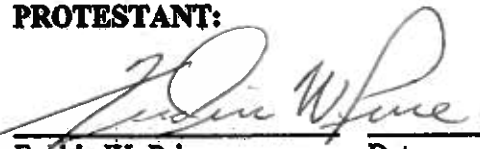
3. The parties agree and stipulate that the amendment described above resolves BLM's protest by adopting a digital boundary description for 02-10416 which excludes federal public land as described above and in SRBA subcases 02-00064 and 02-00065. The Protestant hereby withdraws its protest of application 02-10416 pursuant to the place of use amendment described above.

Respectfully submitted,

APPLICANT:


Albert P. Barker 11-18-09
Barker, Rosholt & Simpson, LLP Date
Attorney for Gem Irrigation District

PROTESTANT:


Fredric W. Price 11-18-09
Water Rights Specialist Date
U.S.D.I., Bureau of Land Management

CERTIFICATE OF SERVICE

I certify that on Nov. 18, 2009, I served a true and correct copy of foregoing **SETTLEMENT AGREEMENT; APPLICATION NUMBER: 02-10416** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

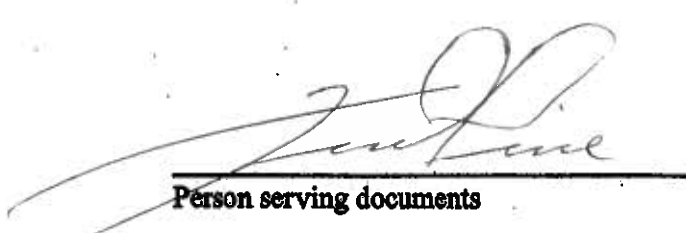
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