

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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IN THE MATTER OF APPLICATION FOR
PERMIT NO. 95-9480 IN THE NAME OF
GARWOOD WATER COOPERATIVE

)
)
) NOTICE OF SETTLEMENT AND
) CONDITIONAL MOTION TO WITHDRAW
) PROTEST
)
)

Kootenai Environmental Alliance hereby provides notice to the Idaho Department of Water Resources of the attached settlement agreement resolving all issues of the parties in the matter of Application for Permit No. 95-9480 in the name of Garwood Water Cooperative. As set forth in the attached settlement agreement, the Protestant agrees to withdraw its protest in this matter subject to the terms of the settlement agreement, including the following specific actions of the Idaho Department of Water Resources (IDWR):

1. Issue Garwood Water Cooperative a water right permit for 2.0 CFS for domestic and irrigation use, not to exceed 800 acre feet per annum except for use in documented fire protection incidents;
2. Require the right holder to measure and record the quantity of water diverted pursuant to this right as well as annual reporting of water withdrawals, the number of active and planned service connections, and/or other pertinent information as may be required by IDWR pursuant to Section 42-701, Idaho Code. Annual reports shall be submitted to IDWR until a water district or similar district is established, at which time reports shall be submitted to that district.

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3. Issue the above referenced water right permit with a provision stating, "The diversion and use of water described in this order is subject to additional conditions and limitations agreed to by both the Protestant and the water right holder under a separate agreement to which IDWR is not a party and which is independently enforceable by a court of law;" and
4. Specifically reference the attached Settlement Agreement in the water right permit and include a copy in the permit file.

Should the Idaho Department of Water Resources agree to issue a water right permit consistent with the terms set forth above, the Protestant agrees to withdraw its protest of this matter and not to further protest or challenge any permit issued consistent with the terms of the attached Settlement Agreement.

Barry Rosenberg

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance

Date 12/8/08

CERTIFICATE OF SERVICE

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I hereby certify that on the 8th day of December 2008, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office in Coeur d'Alene, Idaho.

Garwood Water Cooperative
P.O. Box 1137
Hayden, ID 83835

Barry Rosenberg

Barry Rosenberg
Executive Director
Kootenai Environmental Alliance
(208) 667-9093