

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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AUG 02 2007

IDWR/North

IN THE MATTER OF APPLICATION FOR) NOTICE OF SETTLEMENT AND
PERMIT NO. 96-9304 IN THE NAME OF) CONDITIONAL MOTION TO WITHDRAW
SILVER LEAF HOMEOWNERS ASSN.) PROTEST
)

The parties to the above titled matter, Silver Leaf Homeowners Assn. and Kootenai Environmental Alliance, hereby provide notice to the Idaho Department of Water Resources of the attached settlement agreement resolving all issues of the parties in this matter. As set forth in the attached settlement agreement, the Protestants agree to withdraw its protest in this matter subject to the terms of the settlement agreement, including the following specific actions of the Department of Water Resources:

1. The Department of Water Resources issues Silver Leaf Homeowners Assn. a water right permit for 0.3 cfs for domestic and irrigation use, not to exceed 28 acre feet per annum except for use in documented fire protection incidents;

2. The Department of Water Resources issues 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 Protestants and the water right holder under a separate agreement to which the Department is not a party and which is independently enforceable by a court of law;" and

3. The Department of Water Resources specifically references the attached Settlement Agreement in the water right permit and includes a copy in the permit file.

Should the Department of Water Resources agree to issue a water right permit consistent with the terms set forth above, the Protestants agree to withdraw its protest of this matter and all
NOTICE OF SETTLEMENT AND
CONDITIONAL MOTION TO WITHDRAW- 1

1 parties agree not to further protest or challenge any permit issued consistent with the terms of the
2 attached Settlement Agreement.

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4 
5 Robert Hamilton
6 Silver Leaf Homeowners Assn.

Date 7/25/07

7 Barry Rosenberg
8 Barry Rosenberg
9 Kootenai Environmental Alliance

Date 6/22/07