

RECEIVED
JUN 06 2007
IDWR/North

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

)
)
) NOTICE OF SETTLEMENT AND
IN THE MATTER OF APPLICATION FOR)
) CONDITIONAL MOTION TO WITHDRAW
PERMIT NO. 95-9362 IN THE NAME OF)
) PROTEST
JOHNSON MEADOW ESTATES WATER)
ASSOCIATION INC.)

The parties to the above titled matter, Johnson Meadow Estates Water Association Inc. (Applicant), Norbert & Bev Twillmann, Doug & Linda Reagon, Dale Dennis, Myra & Hal Sherman, Susan Melka, David H. Wardsworth and the Kootenai Environmental Alliance, (Protestants), 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 Johnson Meadow Estates Water Association Inc. a water right permit for 0.11 cfs for municipal use, not to exceed 17.9 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

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

3 Should the Department of Water Resources agree to issue a water right permit consistent
4 with the terms set forth above, the Protestants agree to withdraw its protest of this matter and all
5 parties agree not to further protest or challenge any permit issued consistent with the terms of the
6 attached Settlement Agreement.

7 APPLICANT

8
9 Fred Johnson Date 6-4-07
10 Fred Johnson, for Johnson Meadow Estates Water Association Inc.

11
12 PROTESTANTS

13
14 Bev Twillmann Date 5/29/07
15 Norbert and Bev Twillmann

16
17 Doug and Linda Reagon Date 5-30-07
18
19

20
21
22 Susan Melka Date 5/31/07
23 Susan Melka

24
25 Dale Dennis Date 5/29/07
Dale Dennis

Myra M. Sherman Date 5/25/07
Myra and Hal Sherman *Spokesperson*