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MAR 26 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	STIPULATION FOR
PERMIT NO. 37-22682 IN THE NAME OF)	WITHDRAWAL OF SECOND BLM
INNOVATIVE MITIGATION SOLUTIONS,)	PROTEST
LLC)	
_____)	

The United States of America (hereinafter "Protestant") and Innovative Mitigation Solutions, LLC (hereinafter "Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protest of the Amended Application for Permit No. 37-22682 (hereinafter "37-22682") as follows:

STIPULATION

WHEREAS, Innovative Mitigation Solutions, LLC filed Application for Permit No. 37-22682 with the Idaho Department of Water Resources (hereinafter "IDWR") on February 2, 2012 to establish a water right for 154 cfs of water for Groundwater Recharge purposes from the Big Wood River within Blaine County, Idaho.

WHEREAS, the BLM filed a protest of the Application on April 23, 2012 because the place of use ("POU") description included legal land descriptions which describe BLM land;

WHEREAS, the BLM and Applicant resolved BLM's protest by submitting a Settlement Agreement to IDWR on December 19, 2012;

WHEREAS, the Applicant filed an Amended Application for Permit No. 37-22682 with IDWR on September 4, 2013 to add points of diversion ("POD"), places of use ("POU"), including

recharge activities outside canals;

WHEREAS, the BLM filed a protest of the Amended Application ("Second Protest") with IDWR on October 21, 2015 because the point of diversion ("POD") and place of use ("POU") description included additional legal land descriptions which describe BLM land and proposed activities that would require authorization by the United States;

WHEREAS, the BLM and Applicant wish to resolve their dispute regarding 37-22682;

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

1. The parties stipulate and agree that 37-22682 should be approved by IDWR, provided 37-22682 is subject to the following limiting conditions that will be included in any Approved Permit: (1) "This right does not grant any right-of-way or easement across the land of another."; and (2) "During the development period of this permit, the permit holder agrees to obtain all land use authorizations that are required by the United States Department of the Interior, Bureau of Land Management under Title V of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1761) and the regulations found in 43 CFR 2800, in order to transport water diverted under this right across BLM land or to conduct recharge activities on BLM land."

2. Applicant further stipulates that a License cannot be issued without having secured land use authorizations from BLM. Applicant recognizes and understands that there is no guarantee or promise implied or inferred by this agreement that the BLM will approve or grant said application for a land use authorization.

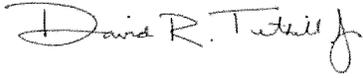
3. The Protestant hereby withdraws its protest upon acceptance and approval of this agreement by IDWR in its entirety.

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Respectfully submitted,

APPLICANT:

INNOVATIVE MITIGATION SOLUTIONS, LLC



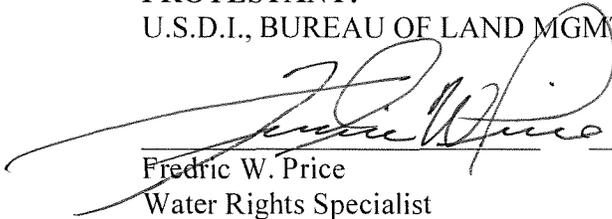
March 21, 2015

David R. Tuthill, Jr., Ph.D., P.E.
Manager

Date

PROTESTANT:

U.S.D.I., BUREAU OF LAND MGMT.



03-23-2015

Fredric W. Price
Water Rights Specialist

Date

CERTIFICATE OF SERVICE

I certify that on March 23, 2015, I served a true and correct copy of foregoing **STIPULATION FOR WITHDRAWAL OF SECOND BLM PROTEST; APPLICATION FOR PERMIT NO. 37-22682** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

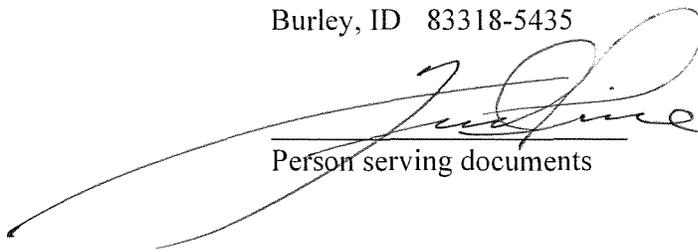
Allen Merritt, Regional Manager
Idaho Department of Water Resources (IDWR)
Southern Regional Office
650 Addison Ave. W., Ste 500
Twin Falls, ID 83301-5858

Copies to:

Innovative Mitigation Solutions, LLC
2918 N. El Rancho Pl.
Boise, ID 83704-6286

Kasey C. Prestwich, Realty Specialist
U.S.D.I., Bureau of Land Management
Shoshone Field Office
400 W. F St.
Shoshone, ID 83352-5284

Steven R. Davis, Hydrologist
U.S.D.I., Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, ID 83318-5435


Person serving documents