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MAR 29 2013
DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 73811 (SHEKINAH INDUSTRIES); APPLICATION FOR TRANSFER NO. 73834 (ORCHARD RANCH); APPLICATION FOR PERMIT NO. 63-32499 (MAYFIELD TOWNSITE); APPLICATION FOR PERMIT NO. 61-12095 (NEVID-CORDER); APPLICATION FOR PERMIT NO. 61-12096 (NEVID); APPLICATION FOR PERMIT NO. 63-32703 (ORCHARD RANCH); APPLICATION FOR PERMIT NO. 61-12256 (INTERMOUNTAIN SEWER AND WATER); APPLICATION FOR PERMIT NO. 63-33344 (ARK PROPERTIES-MAYFIELD TOWNSITE)	**SHEKINAH'S AND NEVID'S STIPULATION TO DEFER THE SUBORDINATION ISSUE**

Shekinah Industries and D. Michael Preston (together "Shekinah"), and Nevid LLC ("Nevid"), through their respective attorneys, hereby stipulate and agree that the following issue need not be addressed in the above-captioned consolidated proceeding:

Where a point of diversion is proposed to be transferred to a new location (as is proposed in Shekinah's transfer application), whether it is appropriate to subordinate the transferred right to rights with points of diversion already established near the new location.

This issue, and others that may be subsumed within or related to it, are purely legal questions raised only by Nevid in its protest of Shekinah's transfer application. This issue is not germane to this consolidated proceeding, the purpose of which is to "conduct[] a hearing regarding the limited issue of the sufficiency of the ground water supply." *Order Creating Contested Case and Consolidating Protested and Unprotested Applications* at 5 (Jan. 24, 2012).

Accordingly, Shekinah and Nevid stipulate and agree to defer addressing the issue described above, including any briefing and argument, to the individual contested case in Transfer 73811, and that neither party shall be prejudiced by failing to file a dispositive motion on the issue in this consolidated proceeding before the March 31, 2013 deadline set forth in the Director's April 13, 2012 *Prehearing Scheduling Order*.

DATED this 29th day of March, 2013.

GIVENS PURSLEY LLP

By _____
Michael C. Creamer
Attorneys for D. Michael Preston and Shekinah Industries, Inc.

NORMAN M. SEMANKO, Attorney at Law

By _____
Norman M. Semanko
Attorney for Nevid LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of March, 2013, the foregoing was filed, served, and copied as follows:

DOCUMENT FILED:

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