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DEPT OF WATER RESOURCES
SOUTHERN REGION

LAWRENCE G. WASDEN
Attorney General

DARRELL G. EARLY
Deputy Attorney General
Chief, Natural Resources Division

Rec'd 4-22-2022
@ Eastern

ANN Y. VONDE (ISB #8406)
Deputy Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: 208-334-2400
Facsimile: 208-854-8072

Attorneys for the Idaho Water Resource Board

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 84902 (Silver
Sage Owners Association Inc.)**

)
) **JOINT STIPULATION AND MOTION**
) **TO APPROVE CONDITIONS**
)
)

Applicant Silver Sage Owners Association Inc. ("Silver Sage") and protestants the Idaho Water Resource Board ("IWRB"), by and through their undersigned counsel of record, and pursuant to IDAPA 37.01.01.220, .300, .556 and .610–612, hereby stipulate to a settlement of IWRB's protest in the above-entitled matters, the terms and conditions of which are set forth herein.

To mitigate for the effects of transferring surface water rights 37-20843, 37-21240, and 37-21242 on the IWRB's minimum streamflow water rights 37-8258, 37-7919, and 37-8307, Silver Sage agrees to permanently reduce the authorized diversion rate under water right 37-20843 by

0.01 cfs. The parties agree that this reduction of the authorized diversion rate does not need to include a reduction in the irrigated acres.

To mitigate for the effects of transferring ground water rights 37-22499 and 37-8409 on the IWRB's minimum streamflow water rights 37-8258, 37-7919, and 37-8307, Silver Sage agrees to change a portion of water right 37-8409 to the purpose of use of "mitigation by non-use" as outlined below:

Right No.	Use Change to Mitigation by Non-Use	Mitigation Rate	Mitigation Volume	Mitigation Acres
37-8409	Irrigation	0.01 cfs	1.75 acre-feet	0.5 acres

The parties move the Department, pursuant to IDAPA 37.01.01.556 and .610–612 for an order ("Order") approving the stipulated changes to the above water rights and confirming that they will be included by the Department in any approvals of Transfer 84902. The IWRB's protest to the Transfer shall be deemed withdrawn upon the issuance of a final Order stating that the stipulated changes to the above water rights are approved and shall be made a part of the Transfer's approval.

The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein; each party to bear its own costs, expenses, and attorney's fees.

For the SILVER SAGE OWNERS ASSOCIATION INC.



Sam Linnet
Alturas Law Group PLLC

Date: 4/21/2022

For the IDAHO WATER RESOURCE BOARD



Ann Y. Vonde
Deputy Attorney General

Date: 4-22-2022

CERTIFICATE OF SERVICE

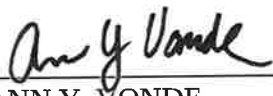
I HEREBY CERTIFY that on this 22 day of April 2022, I caused to be served a true and correct copy of the foregoing JOINT STIPULATION AND MOTION TO APPROVE CONDITIONS by placing a copy thereof in the manner listed below:

Original To:

James Cefalo 900 N Skyline Dr. Ste A Idaho Falls ID 83402	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☒ Email: james.cefalo@idwr.idaho.gov ☐ Facsimile: _____ ☐ Statehouse Mail
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Copies To:

Alturas Law Group PLLC C/O Sam Linnet 101 Bullion St. Unit 2H Hailey ID 83333	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☒ Email: sam@alturaslawgroup.com ☐ Statehouse Mail
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ANN Y. VONDE
Deputy Attorney General