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WATER RESOURCES
WESTERN REGION

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Attorneys for Protestant Nampa & Meridian Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34999 IN THE NAME OF
TARA AND ZANE McCALLISTER

**STIPULATION TO RESOLVE PROTEST
AND WITHDRAWAL OF PROTEST**

COMES NOW, Applicants Tara and Zane McCallister (hereinafter "Applicant"), and the Protestant Nampa & Meridian Irrigation District (hereinafter "Protestant"), and hereby submit this *Stipulation to Resolve Protest* in the above-captioned matter.

WHEREAS, Applicant filed its Application for Permit, dated January 20, 2021, to appropriate 0.15 cfs of ground water ("Permit No. 63-34999" or "Application") for irrigation purposes with the Department.

WHEREAS, on February 22, 2021, Nampa & Meridian Irrigation District filed a Notice of Protest of Application for Permit No. 63-34999.

WHEREAS, Applicant and Protestant wish to resolve the issues raised in the Protest filed by Protestant.

NOW, THEREFORE, Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that Protestant shall withdraw its protest of Water Right No. 63-34999 upon the following conditions being included in the Applicant's Permit to Appropriate Water for Water Right No. 63-34999:

- a. The primary irrigation water for the place of use authorized under this right is surface water delivered by Nampa and Meridian Irrigation District. The right holder shall make full beneficial use of said primary surface water rights available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert water under this right to irrigate land with appurtenant primary surface water rights when the primary surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for the irrigation delivery entity. The right holder shall not divert water for irrigation purposes under this right if use of the primary surface water rights is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank) or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval; and
- b. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

2. Protestant hereby withdraws its Protest of Water Right No. 63-34999 based upon the inclusion of the conditions stated in this Stipulation to Resolve Protest and Withdrawal of Protest in Applicant's final Permit to Appropriate Water for Water Right No. 63-34999. The execution and filing of this Stipulation to Resolve Protest Withdrawal of Protest shall serve as Protestant's formal withdrawal of its Protest. Provided, however, the Protestant reserves the right to participate further should the Department elect not to include the remarks (or substantially the same) set forth above.

DATED this 1 day of MARCH, 2021.

TARA AND ZANE McCALLISTER

By 
Tara McCallister

By 
Zane McCallister

DATED this 8th day of March, 2021.

SAWTOOTH LAW OFFICES, PLLC

By 
S. Bryce Farris
Attorneys for Protestants
Nampa & Meridian Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2021, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST AND WITHDRAWAL OF PROTEST** to be served by the method indicated below, and addressed to the following:

Tara and Zane McCallister
5459 W. Pine Lane
Meridian, ID 83642
T (970) 433-2846
E zanemac75@yahoo.com

- ☒ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile
- ☐ Email



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WESTERN REGION**

David P. Claiborne *

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*Attorneys licensed in Idaho
* Also licensed in Washington
** Also licensed in Oregon*

Monday, March 08, 2021

Nick Miller, Western Region Manager
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-34999
Tara and Zane McCallister

Dear Mr. Miller:

Enclosed for filing in the above-referenced matter is the following original document:

1. Stipulation to Resolve Protest and Withdrawal of Protest

Please conform the enclosed copies and return the copies to the parties in the postage prepaid envelopes provided.

Thank you for your assistance.

Very truly yours,

Debby Long
Assistant to S. Bryce Farris

SBF/dll

Enclosures

c: Tara and Zane McCallister