

DEC 04 2020

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

APPLICATION FOR PERMIT  
NO. 63-34962 IN THE NAME OF  
MUSSELL CONSTRUCTION

**STIPULATION TO RESOLVE PROTEST**

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

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that the permit for Water Right No. 63-34962 may be granted contingent upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right No. 63-34962:

a. The primary surface irrigation water for the place of use authorized under this right is delivered by Nampa & 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 any groundwater rights 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 or is not

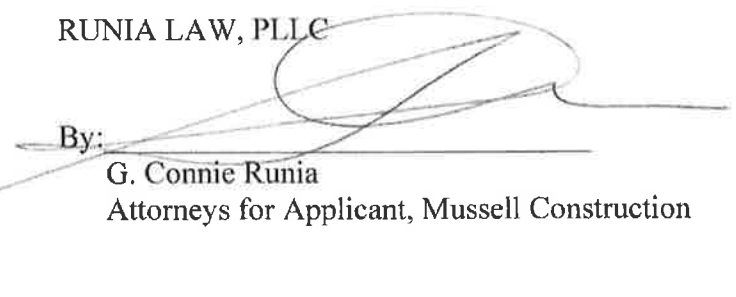
available due to drought, curtailment by priority, or the seasonal startup and shutoff of maintenance schedule for the irrigation delivery entity. The right holder shall not diver water for irrigation purposes under any groundwater rights if use of the primary surface water rights is intentionally discontinued 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 filed in the above-captioned matter based upon the inclusion of the conditions stated in this Stipulation in Applicant's final Permit to Appropriate Water for Water Right No. 63-34962. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.

DATED this 30<sup>th</sup> day of November, 2020.

RUNIA LAW, PLLC

By: 

G. Connie Runia

Attorneys for Applicant, Mussell Construction

DATED this 2<sup>nd</sup> December day of November, 2020.

SAWTOOTH LAW OFFICES, PLLC

By: 

S. Bryce Farris

Attorneys for Protestant, Nampa &  
Meridian Irrigation District

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of December, 2020, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST** to be served by the method indicated below, and addressed to the following:

G. Connie Runia  
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P.O. Box 165  
Nampa, ID 83653  
T (208) 954-5440  
E attorney@gconnie.com

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

  
\_\_\_\_\_  
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WESTERN REGION

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

Wednesday, December 02, 2020

Idaho Department of Water Resources  
Western Region Office  
Attn: Kensie Thorneycroft  
2735 Airport Way  
Boise, ID 83705-5082

Re: Application for Permit No. 63-34962 – Mussell Construction

Dear Kensie:

Enclosed for filing in the above-referenced matter on behalf of Nampa & Meridian Irrigation District is the following original document:

1. Stipulation to Resolve Protest

Please conform the copy of this document and return it via the enclosed postage prepaid return envelope.

Thank you for your assistance.

Very truly yours,

Debby Long  
Assistant to S. Bryce Farris

SBF/dll  
Enclosures  
c: Connie Runia