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DEPARTMENT OF
WATER RESOURCES

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AUG 24 2020

Department of Water Resources
Eastern Region

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Attorneys for the Idaho Department of Fish and Game

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

IN THE MATTER OF TRANSFER)	
APPLICATION NO. 82751 IN THE)	JOINT STIPULATION AND
NAME OF DAVID L. UDY)	WITHDRAWAL OF PROTEST
_____)	

Applicant, David L. Udy (“Udy”) and protestant Idaho Department of Fish and Game (“IDFG”) by and through their undersigned representative and/or counsel of record, and pursuant to IDAPA 37.01.01.204, 557 and .612, hereby stipulate to a settlement of IDFG’s protest in the above-entitled matter, the terms and conditions of which are set forth herein.

The parties agree that the following condition (“Condition”) should be included in any approvals of Transfer Application 82751 (“Transfer”) which condition was set forth in an email from the hearing officer on August 7, 2020:

Condition 1: This right is limited to the irrigation of a specific 72 acres within the 132 acre place of use authorized by this right in a single irrigation season. The specific 72 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 72 acres to be irrigated within the 132 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

The parties further agree that the specific 72 acres to be irrigated under the Transfer are depicted on the map attached to the email sent by the hearing officer on August 7, 2020, and further attached hereto as Exhibit A.

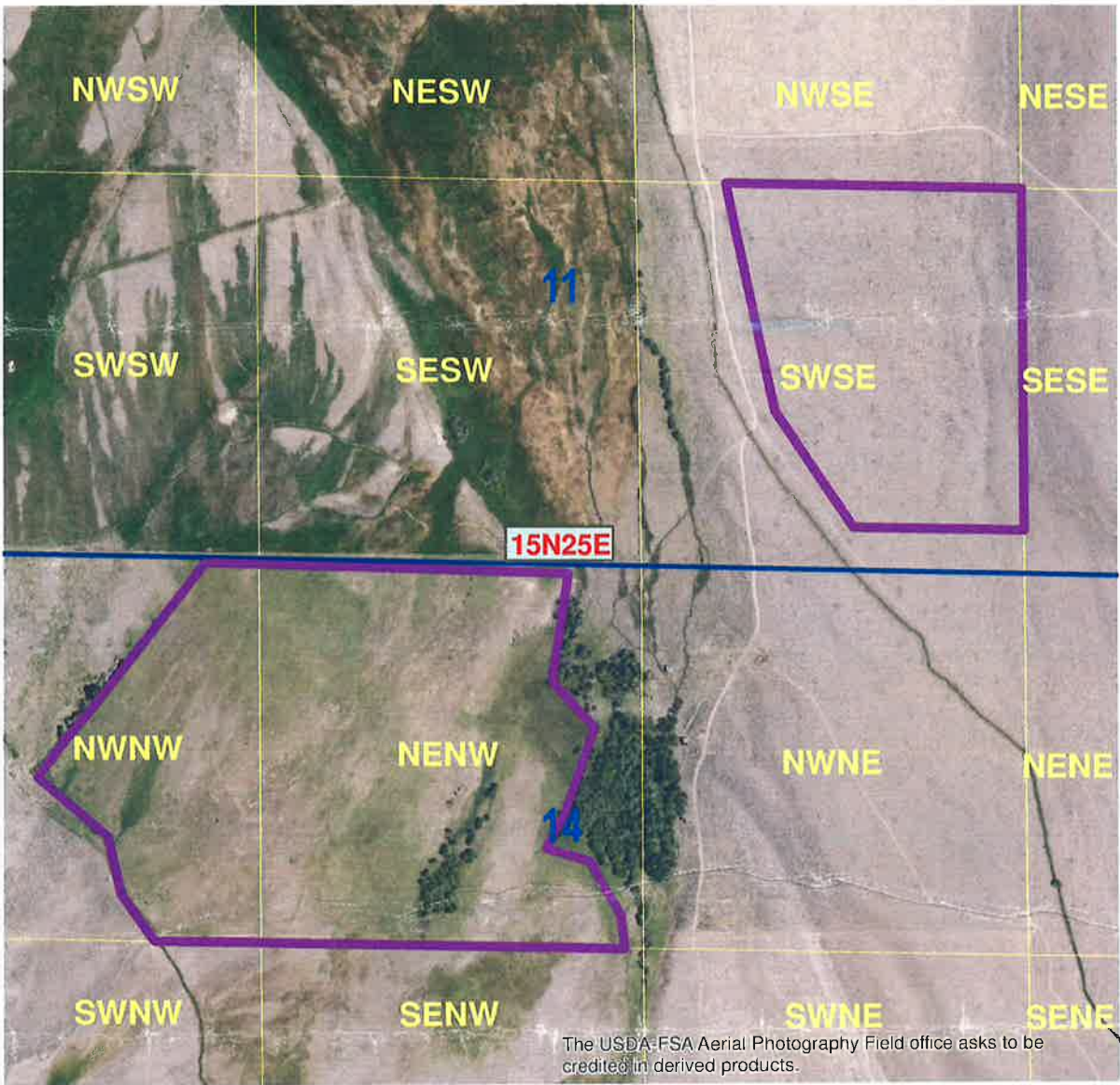
The parties move the Department, pursuant to IDAPA 37.01.01.557, .612 for an order ("Order") approving the Condition set forth herein, or substantially similar conditions, and confirming that they will be included by the Department in any approvals of the Application and confirming the attached map depicting the specific 72 acres to be irrigated.

IDFG's protest to the Transfer shall be deemed withdrawn upon the issuance of a Final Order stating that the Condition and map are approved and shall be made a part of the approval of the Transfer. Provided that the Transfer is not subsequently amended from its current form, except as may be required by the Department to continue processing, the withdrawal of IDFG's protest shall be with prejudice.

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

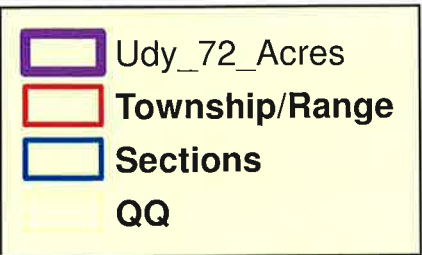
EXHIBIT A

Application for Transfer 82751 **72 Acres to be Irrigated with Senior Rights**



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2013 Aerial Photo



DATED: August 18, 2020

A handwritten signature in cursive script, reading "David L. Udy".

David L. Udy
Applicant

DATED: August 11, 2020


ANN Y. VONDE
Deputy Attorneys General

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2020, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

James Cefalo
Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls ID 83402-1718


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