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APR 23 2020

Department of Water Resources
Eastern Region

Attorneys for the W T Williams Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 83556 IN THE NAME OF
W T WILLIAMS INC

STIPULATION FOR
WITHDRAWAL OF PROTESTS

THIS STIPULATION FOR WITHDRAWAL OF PROTESTS (this "Stipulation") is made and entered into to be effective as latest signature date set forth below, by and between the following parties:

1. **W T Williams Inc.** (hereinafter, "Williams"); and
2. **A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company** (hereinafter, collectively the "Coalition").

Williams and the Coalition may hereinafter collectively be referred to as the "Parties."

RECITALS:

- A. Application for Transfer No. 83556 (hereinafter, simply "83556") was filed on July 31, 2019 with the Idaho Department of Water Resources ("IDWR" or "Department") and seeks to amend certain ground water rights owned by Williams.
- B. On October 2, 2019, after 83556 was advertised pursuant to Idaho law, it was protested on various grounds by the Coalition.

- C. In lieu of participating in administrative hearings concerning 83556, as provided for under Idaho law, the Parties hereby agree as set forth below, the result of which is withdrawal of the Coalition's protests and issuance of an approval for 83556 as amended by this Stipulation.

AGREEMENTS:

1. **Withdrawal of Protests.** Subject to the provisions of this Stipulation, the Coalition hereby withdraws its protests to 83556.
2. **Conditions To Be Included On Approval for 83556.** IDWR shall include the conditions set forth on **Exhibit 1** in the water rights subject to 83556, in addition to any other standard conditions that may be included by IDWR in the final order approving 83556.
3. **IGWA Stipulation.** This Stipulation is in addition to a stipulation to withdraw protest previously filed in this matter between Williams and another protestant, Idaho Ground Water Appropriators, Inc., and is not intended to replace or supersede such previously filed stipulation.
4. **Reservation of Rights.** The Parties agree and acknowledge that this Stipulation only resolves the protests to 83556, and that the Coalition reserves all rights to protest on the same or similar bases other applications for permit, transfers, and other proceedings that may be initiated by Williams concerning his water rights. The Parties shall not use this Stipulation in any other administrative or judicial proceedings for any purpose, other than an action to enforce its terms as provided in paragraph 8 below.
5. **Reliance Upon Statements/Integration and Merger.** The Parties hereto specifically acknowledge that they were represented by counsel in this matter, and agree that other than as is set forth herein, they have executed this Stipulation without relying upon any statements or representations written or oral, as to any statement of law or fact made by any other party or attorney. The Parties to this Stipulation have read and understand the Stipulation and warrant and represent that this Stipulation is executed voluntarily and without duress or undue influence on the part of or on behalf of any party. This Stipulation represents the sole entire and integrated Stipulation by and between the Parties hereto and supersedes any and all prior understandings or agreements whether written or oral except as specifically provided herein.
6. **Successors and Assigns.** This Stipulation shall be binding upon and shall inure to the benefit of each Parties' officers, directors, shareholders, heirs, successors and assigns, and shall be specifically enforceable.
7. **Waiver and Modification.** No provision of this Stipulation may be waived, modified, or amended except by written agreement executed by all the Parties hereto.

8. **Enforcement and Interpretation.** This Stipulation is a valid and binding obligation of the Parties, and their successors or assigns. It shall be admissible and enforceable according to its terms, and venue in any subsequent action shall rest within the State of Idaho. This Stipulation is subject to interpretation in accordance with the laws of the State of Idaho.
9. **Counterparts.** This Stipulation may be executed in counterparts, each of which is deemed an original but all of which constitute one and the same instrument. The signature pages may be detached from each counterpart and combined into one instrument.

W T WILLIAMS INC.

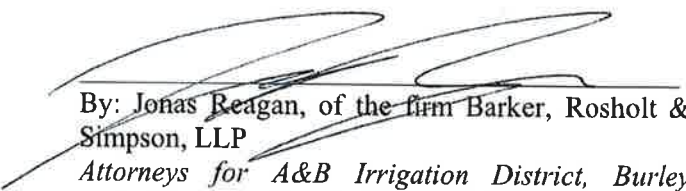
Date:



By: Robert L. Harris, of the firm Holden, Kidwell,
Hahn & Crapo, P.L.L.C.
Attorneys for W T Williams Inc.

A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER IRRIGATION
DISTRICT, NORTH SIDE CANAL COMPANY,
AND TWIN FALLS CANAL COMPANY

Date: 4/22/2020



By: Jonas Reagan, of the firm Barker, Rosholt &
Simpson, LLP

*Attorneys for A&B Irrigation District, Burley
Irrigation District, Twin Falls Canal Company,
North Side Canal Company, and Milner Irrigation
District*

AMERICAN FALLS RESERVOIR DISTRICT #2
AND MINIDOKA IRRIGATION DISTRICT

Date: April 22, 2020



By: W. Kent Fletcher, of the firm Fletcher Law
Office

*Attorneys for American Falls Reservoir District #2
and Minidoka Irrigation District*

EXHIBIT 1
CONDITIONS TO BE INCLUDED IN WATER RIGHTS
SUBJECT TO TRANSFER NO. 83556

1. Use of this right with the rights listed below is limited to a total combined diversion rate of 11.08 cfs and to a total combined annual diversion volume of 1939 AF. Combined Right Nos.: 33-04000, 33-04001, 33-04002, 33-0241, 33-02069, 33-10986.
2. Use of this right with the rights listed below is limited to the irrigation of a combined total of 554 acres in a single irrigation season. Combined Right Nos.: 33-04000, 33-04001, 33-04002, 33-0241, 33-02069, 33-10986
3. Diversion of water from the wells located in the NENENE, Sec. 25, 06N, 29E and NWNWNE, Sec. 25, 06N, 29E under the following water rights shall be limited to the diversion of 1.96 cfs: 33-04000, 33-04001, 33-04002, 33-2041, 33-02069, 33-10986.