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Department of Water Resources
Eastern Region

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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 PROTEST**

THIS STIPULATION FOR WITHDRAWAL OF PROTEST (this "Stipulation") is made and entered into to be effective as latest signature date set forth below, by and between **W T Williams Inc.** (hereinafter, "Williams"), and **Idaho Ground Water Appropriators Inc.** (hereinafter, "IGWA"). Williams and the IGWA 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, including the creation of a permissible place of use ("PPOU") for such ground water rights.
- B. On October 2, 2019, after 83556 was advertised pursuant to Idaho law, it was protested on various grounds by IGWA.
- 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 IGWA's protest and issuance of an approval for 83556 as amended by this Stipulation.

AGREEMENTS:

1. **Amended Filing for 83556 to Remove PPOU.** Within seven (7) days of the execution of this Stipulation, Williams will file with the Department the amended page 3 attached hereto as **Exhibit 1** in order to amend the application document for 83556 to remove the PPOU originally requested. The result of this amended filing will be a place of use of only 554 acres rather than the PPOU of 629 acres. A map depicting the GIS shapefile for the 554-acre place of use is attached hereto as **Exhibit 2**.
2. **Reservation of Rights.** The Parties agree and acknowledge that this Stipulation only resolves the protest to 83556, and that IGWA reserve all rights to protest other applications for permit, transfers, and any other proceedings that may be initiated by Williams. 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 6 below.
3. **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 Agreement is executed voluntarily and without duress or undue influence on the part of or on behalf of any party. This Agreement 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.
4. **Successors and Assigns.** This Agreement 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.
5. **Waiver and Modification.** No provision of this Agreement may be waived, modified, or amended except by written agreement executed by all the Parties hereto.
6. **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.
7. **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.

IDAHO GROUND WATER APPROPRIATORS, INC.

Date: March 31, 2020



By: T.J. Budge, of the firm Racine Olson, PLLP
*Attorneys for Idaho Ground Water Appropriators,
Inc.*

EXHIBIT 1

Rev. 07/18

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/acre-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	33-2041	3.89 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	33-2069	4 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	33-4000	3.64 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	33-4001	3.30 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	33-4002	3.06 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	33-10986	1.96 cfs	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.08 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 11.08 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

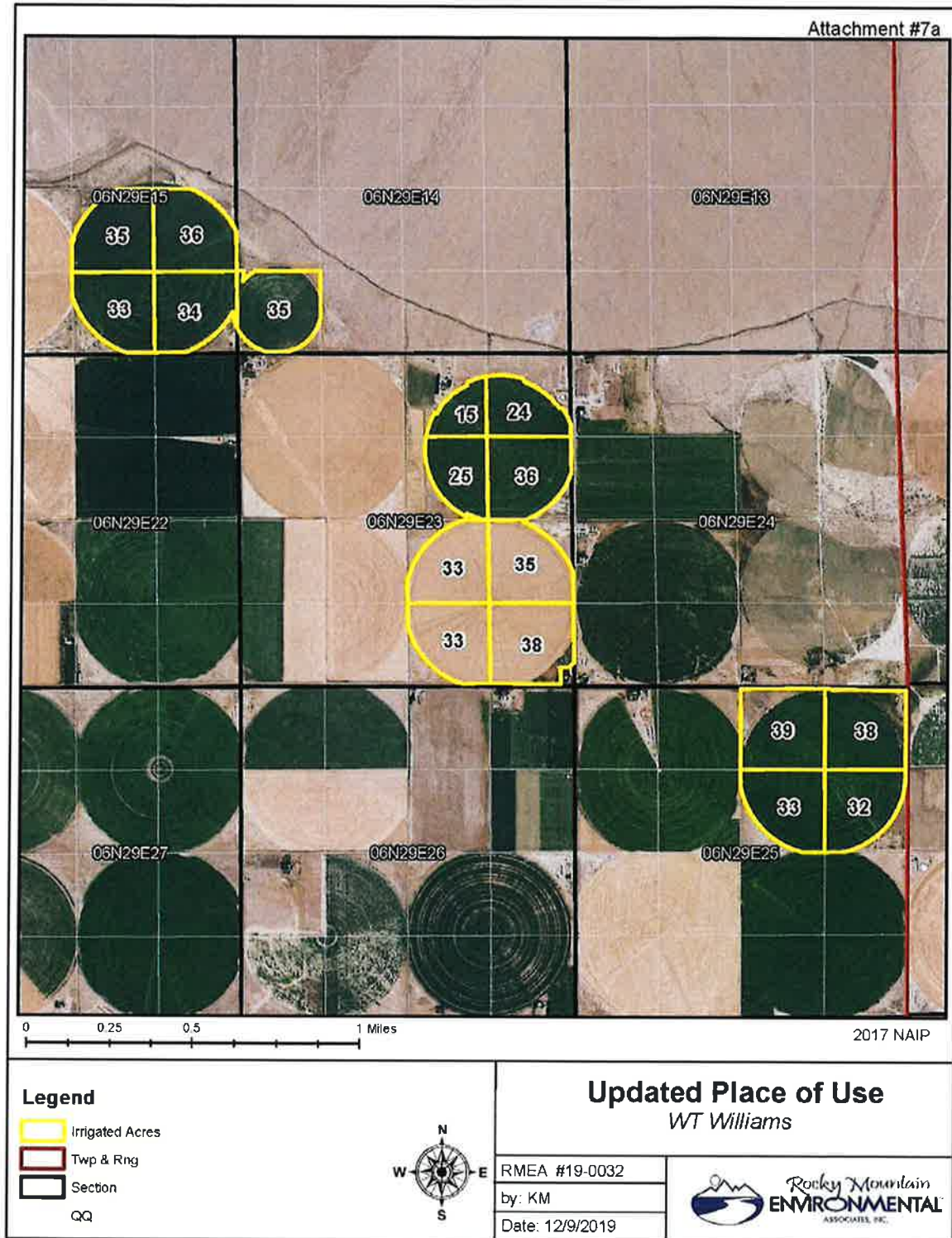
New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		NW	SE	NE	23	06N	29E	Butte	Ground Water	
N		NW	NW	SE	23	06N	29E	Butte	Ground Water	
N		NW	NW	NW	16	06N	29E	Butte	Ground Water	
N		SW	SE	NE	21	06N	29E	Butte	Ground Water	
N		SE	SE	NE	21	06N	29E	Butte	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	29E	14											35						35
		15													36	35	33	34	138
		23	24	15	25	36									35	33	33	38	239
		25	38	39	33	32													142
Total Acres (for irrigation use)																			554

EXHIBIT 2



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

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3. Point(s) of Diversion:

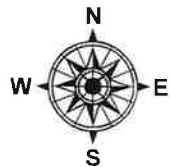
- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		NW	SE	NE	23	06N	29E	Butte	Ground Water	
N		NW	NW	SE	23	06N	29E	Butte	Ground Water	
N		NW	NW	NW	16	06N	29E	Butte	Ground Water	
N		SW	SE	NE	21	06N	29E	Butte	Ground Water	
N		SE	SE	NE	21	06N	29E	Butte	Ground Water	

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- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	29E	14											35						35
		15													36	35	33	34	138
		23	24	15	25	36									35	33	33	38	239
		25	38	39	33	32													142
Total Acres (for irrigation use)																			554



Mainline Location Map for WT Williams Inc

Transfer 83556

Legend

-  Canal Diversion into Mainline
-  WR POD 33-4000 et al
-  WR POD 33-4001 & 33-2069
-  WR POD 33-10986
-  New Well
-  Mainline
-  Proposed PPU

2017 Aerial Photography

0 0.25 0.5 Miles

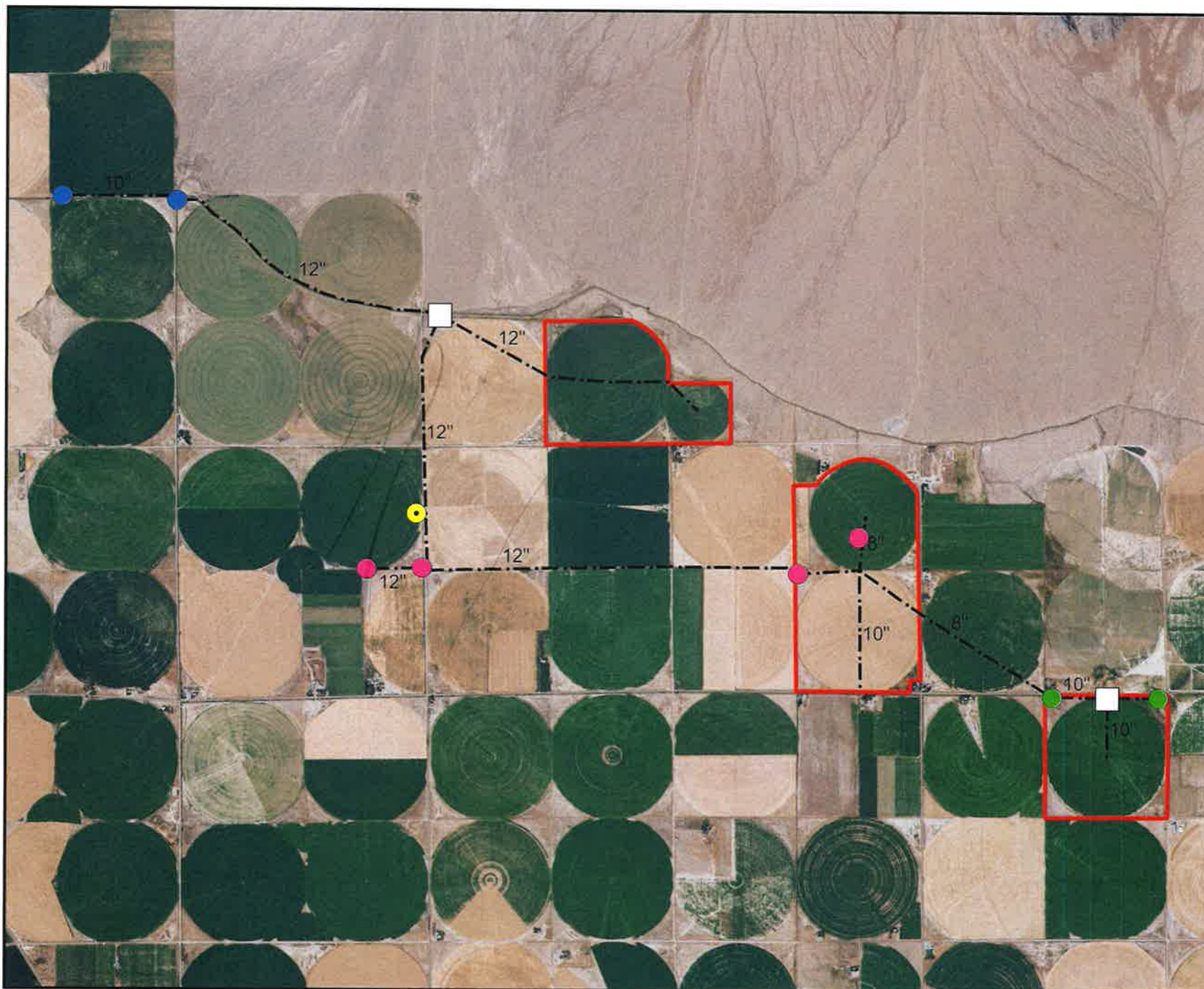


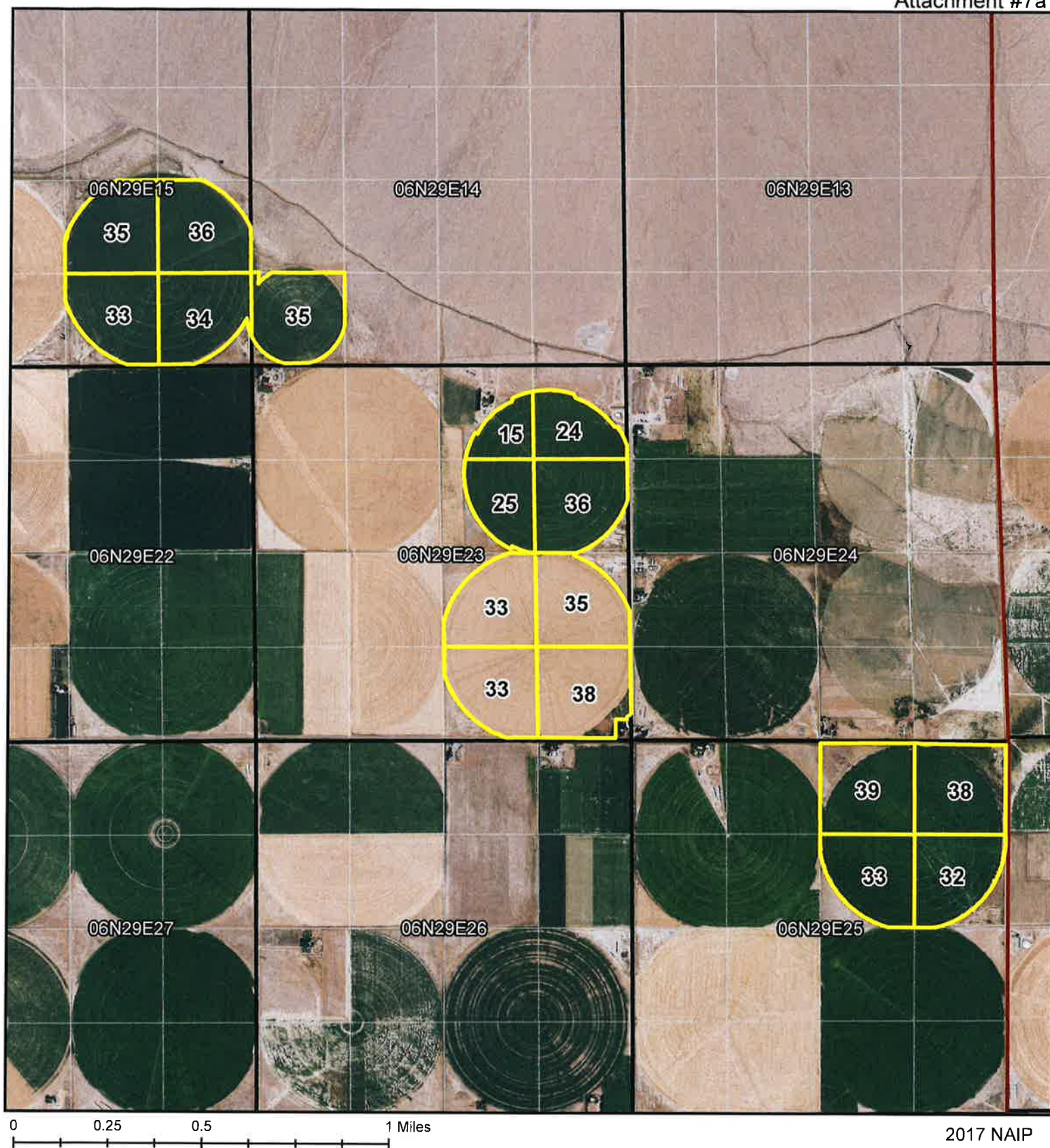
This map illustrates the installed mainlines within the WT Williams irrigation system, including pipe sizes. All existing wells are currently connected to the mainline. The new proposed well is adjacent to the mainline but not yet connected to the mainline. Canal shares are diverted into the mainline at the two locations marked as white squares when canal water is available.

RMEA #19-0032

by: KM

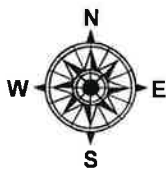
Date: 11/21/2019





Legend

- Irrigated Acres
- Twp & Rng
- Section
- QQ



Updated Place of Use

WT Williams

RMEA #19-0032

by: KM

Date: 12/9/2019



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.