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*Attorneys for Protestant  
Settlers Irrigation District*

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MAY 14 2020

DEPARTMENT OF  
WATER RESOURCES

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MAY 15 2020

WATER RESOURCES  
WESTERN REGION

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 63-34653 IN THE NAME  
OF WEST ADA SCHOOL DISTRICT

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

COMES NOW, Applicant West Ada School District and Protestant Settlers Irrigation District, and hereby submit this *Stipulation to Resolve Protest and Withdrawal of Protest* in the above-captioned matter.

Applicant, West Ada School District, has represented and confirmed to Protestant, Settlers Irrigation District, that Application for Permit No. 63-34653 is intended for a supplemental well to provide irrigation water to the Pleasant View Elementary School and said well will be connected to the Bainbridge Subdivision pressure irrigation pump station, which is currently delivered surface irrigation water by the Settlers Irrigation District via the McMullen Lateral off of headgate 35. Applicant's surface irrigation water will also be delivered via the same headgate 35 via the Bainbridge Subdivision pump station. Applicant's supplemental well will be utilized when surface water is not available and it is anticipated that Bainbridge

Subdivision will file a separate application to divert supplemental ground water through the same well which will also be connected to the Bainbridge Subdivision's pressurized irrigation pump station and utilized as supplemental irrigation water when surface water is not available.

Accordingly, and based upon the above-stated representations, Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that Application for Permit No. 63-34653 ("Application") may be granted contingent upon the following conditions (or substantially the same conditions as approved by IDWR) be included in the Application approval:

A. The primary irrigation water for the place of use for this right is surface water delivered by Settlers 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 or maintenance schedule for the irrigation delivery entity. The right holder shall not divert 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 Section 42-222 or other Department approval;

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; and

2. Protestant hereby withdraws its Protest filed in the above-captioned matter based upon the conditions referenced above. This filing of this *Stipulation to Resolve Protest and Withdrawal of Protest* shall serve as Protestant's withdrawal of its Protest.

DATED this 15 day of APRIL, 2019. 2020

**WEST ADA SCHOOL DISTRICT**

By Mary Ann Ranelle  
MARY ANN RANELLS  
Its SUPERINTENDENT

DATED this 11<sup>th</sup> day of May, 2019. 2020

**SAWTOOTH LAW OFFICES, PLLC**

By S. Bryce Farris  
S. Bryce Farris  
Attorneys for Protestants  
Settlers Irrigation District

**CERTIFICATE OF SERVICE**

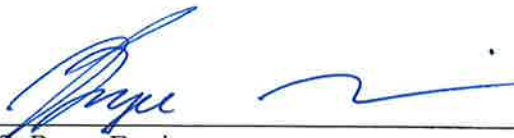
I HEREBY CERTIFY that on this 12<sup>th</sup> day of May, 2020, 2019, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST AND WITHDRAWAL OF PROTEST** to be served by the method indicated below, and addressed to the following:

West Ada School District  
1303 E. Central Drive  
Meridian, ID 83642  
T (208) 855-4500  
E yochum.joe@westada.org

(X) U.S. Mail, Postage Prepaid  
( ) Hand Delivered  
( ) Overnight Mail  
( ) Facsimile

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**Challis Office**

1301 E. Main Ave.  
P.O. Box 36  
Challis, Idaho 83226  
Tel. (208) 879-4488

**Twin Falls Office**

236 River Vista Place  
Suite 301  
Twin Falls, Idaho 83301  
Tel. (208) 969-9585

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(208) 629-7559



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DEPARTMENT OF  
WATER RESOURCES

**SAWTOOTH LAW**  
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**David P. Claiborne \***

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**Evan T. Roth**

**Daniel V. Steenson**

**Matthew A. Sturzen**

**Katie L. Vandenberg**

**Andrew J. Waldera \*\***

**James R. Bennetts (retired)**

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

Tuesday, May 12, 2020

Idaho Department of Water Resources  
322 E. Front Street, Suite 648  
Boise, ID 83702

Re: In the Matter of Application for Permit No. 63-34653 in the Name of  
West Ada School District

Dear Sir or Madam:

Enclosed for filing please find an original and one copy of the *Stipulation to Resolve Protest and Withdrawal of Protest* in the above-referenced matter.

Once filed, please return evidence of the same in the enclosed envelope.

Thank you for your assistance.

Very truly yours,

Katie R. Kelly  
Assistant to S. Bryce Farris

Encls.