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*Attorneys for Protestant
Settlers Irrigation District*

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DEC 04 2019

WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 82916 IN THE NAME OF
THE CITY OF MERIDIAN

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

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

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that Transfer No. 82916 may be granted contingent upon the following conditions (or substantially the same conditions as approved by IDWR) be included in the approval for Transfer No. 82916:

a. The primary irrigation water for the place of use authorized under those rights identified in Transfer No. 82916 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 § 42-222 or other Department approval;

b. The rights identified in the Transfer 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

c. The rights identified in Transfer No. 82916 are subject to a *Stipulation/Agreement* between the Applicant/right holder and Settlers Irrigation District dated 11-19, 2019 to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

2. Applicant and Protestant further agree that the following conditions may not be a conditions included in Applicant's final Transfer No. 82916, although this *Stipulation* shall be included in the backfile/records for the water rights which are the subject of Transfer No. 82916 but the following conditions shall be binding upon the Applicant, Protestant and their successors and assigns:

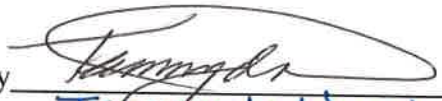
a. Water right No. 63-34433 is held in the name of the Applicant and is diverted from the Boise River and delivered by Settlers Irrigation District through the Settlers Irrigation District's canal system. Settlers Irrigation District will continue to divert and deliver said water to the Applicant in the same manner as it has historically delivered said water (except for the delivery point change referenced below) and Applicant shall continue to be assessed and treated as a landowner of Settlers Irrigation District. In other words, Applicant shall continue to have all rights, responsibilities and obligations as any other assessed landowner of Settlers Irrigation District regardless of the name in which Water Right No. 63-34433 is held; and

b. The lands identified in the place of use for Transfer No. 82916 may have historically been delivered water from both the Harrell Lateral and the North Slough Lateral. Applicant, Settlers Irrigation District and North Slough Lateral Water Users Association ("North Slough") have agreed to a change in delivery point for those lands delivered from the North Slough to the Harrell Lateral and thus all water delivered by Settlers Irrigation District to the place of use for Transfer No. 82916 and to Applicant's pressurized irrigation pump station shall be from the Harrell Lateral.

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

DATED this 19th day of November, 2019.

CITY OF MERIDIAN

By 

Tammy de Weerd
Its Mayor

DATED this 2nd day of December, 2019.

SAWTOOTH LAW OFFICES, PLLC

By _____

S. Bryce Farris
Attorneys for Protestants
Settlers Irrigation District

CERTIFICATE OF SERVICE

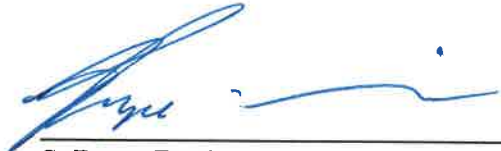
I HEREBY CERTIFY that on this 2nd day of December, 2019, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST AND WITHDRAWAL OF PROTEST** to be served by the method indicated below, and addressed to the following:

City of Meridian
33 E. Broadway Avenue
Meridian, ID 93642

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

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☐ () Facsimile
☐ () Email



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*Attorneys licensed in Idaho
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Monday, December 02, 2019

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

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**WATER RESOURCES
WESTERN REGION**

Re: Contested Application for Transfer No. 92916 – City of Meridian

Dear Western Region Office:

Enclosed for filing in the above-referenced matter is the following original document:

Stipulation to Resolve Protest and Withdrawal of Protest

Please date-stamp the copies enclosed and return them via the self-addressed, postage prepaid envelopes also enclosed.

Thank you for your assistance.

Very truly yours,

Debby Long
Administrative Assistant

/dll

Enclosures

c: City of Meridian

SPF Water Engineering