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September 14, 2018

RECEIVED
SEP 17 2018
DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street, Ste. 648
Boise, Idaho 83702-7371

Re: Application for Transfer No. 82456, in the name of Jefferson Farms LLC

Dear Clerk:

Enclosed for filing, please find one original and one copy of a *Stipulation to Resolve Protest* in the above referenced matter in the above matter. Please return the copy with your file stamp in the enclosed postage prepaid envelope.

Please contact me if you have any questions. Thank you for your assistance.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Jessica L. Witt, Assistant to
John K. Simpson

/jlw
Enclosures

ORIGINAL

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jks@idahowaters.com

Attorneys for Idaho Power Company

RECEIVED

SEP 17 2018

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 82456

In the name of Jefferson Farms LLC

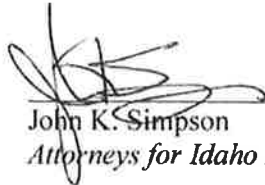
STIPULATION TO RESOLVE PROTEST

Idaho Power Company protested water right transfer application no. 82456 filed by Jefferson Farms LLC on the basis that the water use sought under the application has the potential to cause depletions in the Snake River that will cause the minimum flows established in the 1984 Swan Falls Agreement, to be measured at the Murphy Gauge, to be violated. The parties have conferred and have agreed that the inclusion of the following remark on any water right permit and license that may be issued for water right no. 35-13644 is acceptable to the Applicant, Jefferson Farms LLC, and will resolve the Protest of Idaho Power Company. The remark shall state:

This right is for the use of trust water which is identified and defined in the 1984 Swan Falls Agreement and subsequent Settlement. The right shall be subject to review <5> years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water. Further, the right holder shall cease diverting if such diversions would impact the established minimum stream flows of 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31 at the Murphy gage.

Should the Idaho Department of Water Resources agree to inclusion of the remark set forth above on any approved transfer for water right no. 35-13644, then Idaho Power Company hereby agrees to withdraw its Protest to water right transfer no. 82456.

DATED this 14th day of September, 2018.


John K. Simpson
Attorneys for Idaho Power Company

DATED this ____ day of September, 2018.

John Burr
Jefferson Farms LLC
Applicant

Should the Idaho Department of Water Resources agree to inclusion of the remark set forth above on any approved transfer for water right no. 35-13644, then Idaho Power Company hereby agrees to withdraw its Protest to water right transfer no. 82456.

DATED this ____ day of September, 2018.

John K. Simpson
Attorneys for Idaho Power Company

DATED this 14 day of September, 2018.


John Burr
Jefferson Farms LLC
Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2018, I served a true and correct copy of the foregoing document, **STIPULATION TO RESOLVE PROTEST**, upon the following persons via the method indication below:

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street, Ste. 648
Boise, ID 83720-7371

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:

Jefferson Farms LLC
c/o John Burr
3916 E. June Street
Mesa, AZ 85205

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:



John Simpson