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FEB 11 2019

WATER RESOURCES  
WESTERN REGION

Attorneys for Protestant  
Nampa & Meridian Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

APPLICATION FOR PERMIT  
NO. 63-34571 IN THE NAME OF WEST  
ADA SCHOOL DISTRICT

**STIPULATION TO RESOLVE PROTEST**

COMES NOW, Applicant West Ada School District (hereinafter "Applicant"), and the Protestant Nampa & Meridian Irrigation District (hereinafter "Protestant"), and hereby submit this *Stipulation to Resolve Protest* in the above-captioned matter.

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that the permit for Water Right No. 63-34571 may be granted contingent upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right No. 63-34571:

- a. The primary surface irrigation water for the place of use authorized under this right is delivered by Nampa & Meridian Irrigation District. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under

this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

- b. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- c. The ground water diversion rate for this right shall not exceed 0.84 cfs. Provided, further, this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre when averaged over a twenty-four hour period based upon the amount of water applied over such twenty-four hour period. However, should the lands authorized to be irrigated under this right ever cease to be a school, park, cemetery or golf course recognized by the Department as allowing more than one (1) inch per acre, then this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre at the field headgate for irrigation of the place of use.

2. Protestant hereby withdraws its Protest filed in the above-captioned matter based upon the inclusion of the conditions stated in this Stipulation in Applicant's final Permit to Appropriate Water for Water Right No. 63-34571. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.

DATED this 31 day of January, 2019.

By: \_\_\_\_\_

*Asst. Supt.*

West Ada School District

DATED this 6<sup>th</sup> day of February, 2019.

SAWTOOTH LAW OFFICES, PLLC

By: \_\_\_\_\_

S. Bryce Farris

Attorneys for Protestant, Nampa &  
Meridian Irrigation District

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6 day of February, 2019, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST** to be served by the method indicated below, and addressed to the following:

West Ada School District  
Attn: Spencer McLean  
1303 E. Central Drive  
Meridian, ID 83642

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

SPF Water Engineering, LLC  
c/o Lori Graves  
300 E. Mallard Drive, Suite 350  
Boise, ID 83706

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Idaho Department of Water Resources  
200 W. Front Street  
Boise, Idaho 83702

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

  
S. Bryce Farris

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**Twin Falls Office**

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

Fax (all offices)  
(208) 629-7559



# SAWTOOTH LAW

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Daniel V. Steenson

Andrew J. Waldera \*\*

Guy B. Zimmerman

James R. Bennetts (retired)

Katie L. Vandenberg (law clerk)

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

Wednesday, February 06, 2019

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WATER RESOURCES  
WESTERN REGION

Nick Miller, Western Regional Manager  
Idaho Department of Water Resources  
Western Region Office  
Attn: Anna Kaiser  
2735 Airport Way  
Boise, ID 83705-5082

Re: Application for Permit No. 63-34612

Dear Mr. Miller:

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

1. Stipulation to Resolve Protest

Please conform the copy of this document and return it via the enclosed postage prepaid return envelope.

Thank you for your assistance.

Very truly yours,

Debby Long  
Assistant to S. Bryce Farris

SBF/dll

Enclosures

c: West Ada School District  
SPF Water Engineering, LLC