

RECEIVED
JUN 21 2018
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☒ Transfer ☐ Permit ☐ Amendment of Permit No. 82051

In the Name of Sugar City
Applicant

Name of Protestant: Fremont-Madison Irrigation District

Represented by: Aaron Dalling

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

Or

☒ My withdrawal is conditioned on the following:

The water right be stacked with a surface water, water right.

Aaron Dalling Executive Director 6/21/18
Signature of Protestant or Representative Title Date

RECEIVED

JUN 04 2018

Department of Water Resources
Eastern Region

Jerry R. Rigby ISBN 2470
RIGBY, ANDRUS & RIGBY LAW, PLLC
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208-356-3633

Attorneys for Fremont Madison Irrigation District

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

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NO. 82051 IN THE NAME OF)	STIPULATION TO WITHDRAW
SUGAR CITY)	PROTEST
)	
)	

COMES NOW, Applicant, Fremont Madison Irrigation District (FMID) and Protestants, Idaho Ground Water Appropriators (Protestants), by and through their undersigned counsel of record and/or representatives, and pursuant to IDAPA 37.01.01.201, .260, .557 and .612 here by stipulate to a settlement of the protests in the above entitled matter, the terms and conditions of which are set forth herein.

1. The parties agree that the following conditions (Conditions) are required to be included in any approvals of Application for Transfer No. 82051 for that portion of Water Right No. 22-7225 split off to Sugar City (New Right):

A. Because the present condition requires the right to be a combined use with the Teton Island Canal Company, the post-transfer condition must require that the right be a combined use with Salem Union Canal Company.

B. The Place of use must be within the service area of the City of Sugar municipal water supply system as provided for under Idaho Law.

C. Municipal use under the New Right is for the irrigation of 2.0 acres withing the authorized place of use in a single irrigation season

D. The New Right when combined with all other rights shall not exceed a total diversion rate of 0.04 cfs, a total annual maximum diversion volume of 7.0 af.

E. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

F. Prior to diversion and use of this water right, Applicant must install and maintain acceptable measuring device(s) and data loggers at the authorized point(s) of diversion, in accordance with Department specifications.

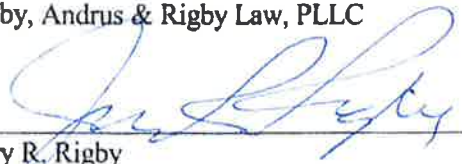
The parties move the Department, pursuant to IDAPA 37.01.01.557, .612 for an order (Order) approving the Conditions set forth herein and confirming that they will be included by the Department in any approval of the Application.

Protestant's protests to the Application shall be deemed withdrawn upon the issuance of a final Order state that the Conditions are approved and shall be made a part of the Application's approval. Provided that the Application is not subsequently amended from its current form except as may be required by the Department to continue processing, the withdrawal of Protestant's respective protests shall be with prejudice.

The parties respectfully request the entry of an Order approving the stipulated settlement set forth herein including the Conditions; each party to bear its own costs, expenses, and attorney's fees.

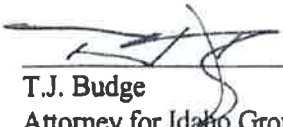
Dated this 4th day of June, 2018.

Rigby, Andrus & Rigby Law, PLLC


Jerry R. Rigby
Attorney for Fremont Madison Irrigation Dist.

DATED this 30th day of May, 2018.

Racine Olson Nye Budge & Bailey, Chtd.


T.J. Budge
Attorney for Idaho Ground Water Appropriators, Inc.