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APR 16 2018

WATER RESOURCES
WESTERN REGION

Attorneys for Protestant
Settlers Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

APPLICATION FOR PERMIT NO.
63-34263 IN THE NAME OF:
PARAMOUNT OWNERS ASSOC. INC.

STIPULATION TO RESOLVE PROTEST

COMES NOW, Applicant Paramount Owners Assoc. Inc. (hereinafter "Applicant"), and the Protestant Settlers Irrigation District (hereinafter "Protestant"), by and through its counsel of record, 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. 63-34263 may be granted contingent upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right No. 63-34263:

- a. The primary surface irrigation water for the place of use authorized under this right is delivered by Settlers 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. This right when combined with all other rights of Applicant shall provide no more than 0.02 cfs per acre no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
- d. Approval of this right does not and shall not entitle the Applicant to discharge overflow irrigation water from the ponds to the North Slough Lateral during the non-irrigation season and Applicant shall close and lock the overflow conduits from ponds during the non-irrigation season at any time when Settlers Irrigation District is not delivering surface irrigation water to the Applicant. During the irrigation season when Settlers Irrigation District is delivering surface irrigation water to the Applicant, the overflow conduits may be opened for overflow or emergency use. The Applicant shall allow representatives of Settlers Irrigation District or North Slough Lateral Water Users Association to inspect the mechanisms for closing the overflow conduits at any time when surface water is not being delivered to the ponds and shall provide Settlers Irrigation District and North Slough Lateral Water Users Association with pedestrian access to

shut off the well/pumps for this right during an emergency overflow situation. This provision does not mean that either Settlers Irrigation District or the North Slough Lateral Water Users Association are responsible for the well/pumps.

2. Protestant hereby withdraws its Protest filed in the above-captioned matter based upon the inclusion of the conditions stated in this Stipulation in Applicants' final Permit to Appropriate Water for Water Right No. 63-34263. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.


DATED this 11th day of April, 2018.

PARAMOUNT OWNERS ASSOC. INC.

By:  _____, Applicant

DATED this 11th day of April, 2018.

SAWTOOTH LAW OFFICES, PLLC

By:  _____
S. Bryce Farris
Attorneys for Protestant, Settlers
Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2018, 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:

Paramount Owners Association, Inc.
12601 W. Explorer Drive, Suite 200
Boise, ID 83713

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Electronic Mail

SPF Water Engineering, LLC
Attn: Roxanne Brown
300 E. Mallard Drive, Suite 350
Boise, ID 83706

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Electronic Mail


S. Bryce Farris

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1101 W. River St., Ste. 110
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Challis, Idaho 83226
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Attorneys licensed in Idaho
* Also licensed in Washington

April 13, 2018

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WATER RESOURCES
WESTERN REGION

IDWR Western Region Office
2735 Airport Way
Boise, ID 83705-5082

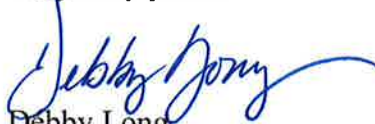
Re: Application for Permit No. 63-34263 – Paramount Owners Association, Inc.

Dear IDWR:

Please find enclosed the original and one copy of the *Stipulation to Resolve Protest* in the above-referenced matter. Please date stamp and return the copy in the return envelope provided.

Please contact this office if you have any questions.

Very truly yours,


Debby Long
Administrative Assistant

/dll
Enclosures

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