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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS
FOR TRANSFER NOS. 81333, 81337, AND
81338 IN THE NAME OF MPH FARMS

**ADDENDUM TO STIPULATION FOR
SETTLEMENT OF PROTESTS**

THIS ADDENDUM TO STIPULATION FOR SETTLEMENT OF PROTESTS (this "Addendum") is made and entered into as of the 7th day of November, 2017, by and between **MPH Farms, LLC d/b/a MPH Farms** (hereinafter, "**MPH**"); **Burley Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company** (hereinafter, collectively the "Coalition"); and **Idaho Ground Water Appropriators, Inc. ("IGWA")**. The Coalition and IGWA may hereinafter be referred to as the "Protestants". MPH, the Coalition, and IGWA may hereinafter be collectively referred to as the "Parties."

RECITALS:

- A. MPH filed Application for Transfer Nos. 81333, 81337, and 81338 (hereinafter collectively, the "Transfers", and individually simply "81333", "81337", and "81338") on November 21, 2016.
- B. The Transfers proposed certain amendments to water rights owned by MPH.
- C. The Coalition and IGWA protested the Transfers for various reasons.

- D. Instead of participating in administrative hearings contesting the Transfers as provided for under Idaho law, the Parties elected to enter into a stipulation to resolve the protests that have been filed (the "Stipulation").
- E. A concern was raised by the Hearing Officer concerning two conditions in the Stipulation as to whether they should be included as conditions of the water rights amended by 81333 and 81338. In response, the Parties hereby agree to supplement the Stipulation with this Addendum.

AGREEMENTS:

- 1. **81333.** The Parties agree that condition c under paragraph 1 of the Stipulation for 81333 shall not be included as a condition on the water rights amended by 81333 or in the approval for 81333. However, by contract, MPH and its successors and assigns—as the right holder(s)—agree to be subject to condition c such that a representative of any of the original protestants to transfer no. 81333 may request of the right holder an in-person inspection of the pivot system used to irrigate the place of use of this right to verify that the pivot system is not irrigating outside of the authorized place of use of the right, particularly the rock patches that are not authorized to be irrigated. Upon receipt of such request, the right holder shall schedule the inspection to occur at a time when the pivot system will next operate in its normal irrigation rotation where the pivot system will be crossing one or more of the rock patches that are not authorized to be irrigated.
- 2. **81338.** The Parties agree that condition d under paragraph 3 of the Stipulation for 81338 shall not be included as a condition on the water rights amended by 81338 or in the approval for 81338. However, by contract, MPH and its successors and assigns—as the right holder(s)—agree to be subject to condition d such that a representative of any of the original protestants to transfer no. 81338 may request of the right holder an in-person inspection of the pivot system used to irrigate the place of use of this right to verify that the pivot system is not irrigating outside of the authorized place of use of the right, particularly the rock patches that are not authorized to be irrigated. Upon receipt of such request, the right holder shall schedule the inspection to occur at a time when the pivot system will next operate in its normal irrigation rotation where the pivot system will be crossing one or more of the rock patches that are not authorized to be irrigated.
- 3. **Revised Exhibit 1.** The Parties hereby agree to replace **Exhibit 1** of the Stipulation with a revised **Exhibit 1** attached hereto.
- 4. **Remaining Stipulation Provisions.** The provisions of this Addendum hereby amend the Stipulation and are incorporated therein. Other than the changes described in paragraphs 1 and 2 above, the remaining provisions of the Stipulation remain unchanged.

MPH FARMS, LLC D/B/A MPH FARMS



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Hahn, & Crapo, P.L.L.C.

Attorneys for MPH Farms, LLC d/b/a MPH Farms

IDAHO GROUND WATER APPROPRIATORS, INC.



By: T.J. Budge, of the firm, Racine, Olsen, Nye,
Budge & Bailey, Chtd.

*Attorneys for Idaho Ground Water Appropriators,
Inc.*

A&B IRRIGATION DISTRICT, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION DISTRICT, NORTH
SIDE CANAL COMPANY, AND TWIN FALLS CANAL
COMPANY



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Irrigation District, Twin Falls Canal Company,
North Side Canal Company, and Milner Irrigation
District*

MINIDOKA IRRIGATION DISTRICT



By: W. Kent Fletcher, of the firm Fletcher Law
Office

Attorneys for Minidoka Irrigation District

Approved as to form and content by the Idaho Department of Water Resources.

Dated: 11 / 7 / 17


By: Hearing Officer James Cefalo
Water Resource Program Manager, Eastern Region
Idaho Department of Water Resources

EXHIBIT 1 (REVISED)

