

ORIGINAL

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*Attorneys for South Valley Ground Water
District*

RECEIVED

AUG 18 2017

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 23 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

IN THE MATTER FOR THE	)	
APPLICATION FOR TRANSFER NO.	)	
81483, IN THE NAME OF	)	STIPULATION TO RESOLVE
RIDGEVIEW SMITH PROPERTIES	)	PROTESTS
LLC	)	
	)	
	)	
	)	

The South Valley Ground Water District protested this application on the grounds that it believed the measures for mitigation to avoid injury did not appear to be adequate or entirely clear in the application.

The Parties have conferred and agreed that including the following conditions on any transfer, water right permit and license that may be issued for transfer number 81483 and on the companion water right application, 37-23029, are acceptable to the applicant, Ridgeview Smith Properties, LLC, and will resolve the protest of the South Valley Ground Water District:

1. The pond permitted by the new right, 37-23029, will be lined. It will contain a surface area of no more than 0.59 acres and will be no more than 5.75 feet deep on average. To account for the 3.4 acre feet of first fill storage to fill the pond, 2.1 acres of water right number

STIPULATION TO RESOLVE PROTESTS

37-8372 have been or will be dried up during the irrigation season for the year of the initial fill of the pond.

2. This new ground water use will be mitigated by permanently drying up 0.16 acres of currently irrigated land under the existing water right 37-8372 for channel evaporation and channel vegetation use. Applicant will also permanently dry up 0.46 acres to account for the surface evaporation from the pond. The total 0.62 acres dried up will come from the property irrigated under water right number 37-8372. Applicant has proposed a permissible place of use, and will identify the irrigated area in a shape filed with the Department and a map filed with the watermaster. Change in location of use of the irrigated land within the permissible place of use will be filed with the Department and watermaster in advance of the irrigation season of any change in location of the irrigated land.

3. Two of the domestic wells used for two of the residences on the property will be authorized to pump the irrigation portion of the domestic rights into the pond for ½ acre irrigation around each residence. The water withdrawn from and discharged to the pond will be measured by the watermaster using Department approved measuring devices. The domestic wells shall continue to provide potable water for in-house use as part of the withdrawal from the domestic wells.

4. Irrigation from the pond shall be limited to a total of 3.38 acres including the two ½ acre parcels irrigated from the domestic rights within an 18.7 acre permissible place of use.

5. Measuring devices and lockable controlling works of a type approved by the Department shall be installed and maintained in a manner that will provide the Watermaster suitable control of the diversion and re-diversion of water right numbers 37-8372 and 37-23029.

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Should the Department of Water Resources agree to include these above conditions set forth on any water right transfer they may issue for transfer number 81483, then South Valley Ground Water District agrees to withdraw its protest to application for transfer number 81483.

DATED this 17 day of August, 2017.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorneys for South Valley Ground Water District

DATED this 17 day of August, 2017

SPECK & AANESTAD, PC



Jim Speck

Attorneys for Ridgeview Smith Properties LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2017, I served a true and correct copy of the foregoing *Stipulation to Resolve Protests* on the following by the method indicated:

Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

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

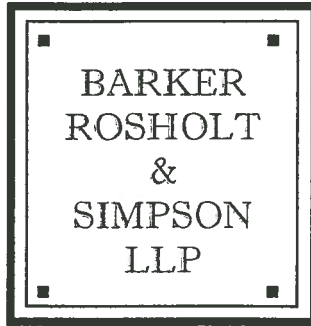
Ridgeview Smith Properties LLC
c/o Jim Speck
P.O. Box 987
Ketchum, ID 83340

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



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Albert P. Barker
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August 17, 2017

VIA U.S. MAIL

Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

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AUG 18 2017

RECEIVED DEPARTMENT OF
WATER RESOURCES

AUG 23 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

*Re: In the Matter of Application for Permit No. 37-23029 and Application for Transfer
No. 81483, in the Name of Ridgeview Smith Properties LLC*

Dear Clerk:

Attached for filing are *Stipulations to Resolve Protests* for both of the above referenced matters. Please return file-endorsed copies in the enclosed self-addressed, stamped envelope for our files. Should you have any questions, please contact our office. Thank you for your assistance.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Heather A. Rice,
Assistant to Albert P. Barker

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Enclosures