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MAR 20 2017

WATER RESOURCES
 WESTERN REGION

Attorneys for Protestant Michael Ihli

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
 THE STATE OF IDAHO

_____	)	
IN THE MATTER OF APPLICATION FOR	)	STIPULATION TO WITHDRAW
WATER RIGHT NO. 57-11884 IN THE	)	PROTEST
NAME OF ROBERT AND KELLY THOMAS	)	
_____	)	
	)	

COMES NOW, the Protestant, Michael Ihli, by and through his counsel Honsinger Law, PLLC, together with the Applicants Robert and Kelly Thomas, and hereby file this Stipulation to Withdraw Protest with the Idaho Department of Water Resources ("IDWR") in the above referenced matter.

The Parties hereby stipulate to the following:

1. The following condition shall be placed in any approval of water right No. 57-11884:

"To prevent injury to prior water rights appropriating water from Castle Creek or the Snake River and/or the underlying shallow aquifer tributary to Castle Creek or the Snake River, the well(s) used as point(s) of diversion for this water right shall be constructed and maintained with unperforated casing sealed into the first significant confining layer below the ground surface."

2. The following condition shall be placed in any approval of water right No. 57-11884:

"The right holder shall make full beneficial use of all surface water 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 groundwater under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or is not reasonably sufficient to irrigate the place of use authorized under this right."

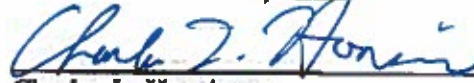
3. The following condition shall be placed in any approval of water right No. 57-11884:

"If the surface water right(s) appurtenant to the place of use for this right is/are unavailable for any reason other than drought or curtailment by priority (for example: abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by a court decree), the right holder shall not divert groundwater for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required."

4. Provided the three conditions above are added to any approval of water right No. 57-11884, the protest filed by Michael B. Ihli shall be deemed withdrawn upon approval of this Stipulation by IDWR.

Dated this 15th day of March, 2017.

HONSINGER LAW, PLLC



Charles L. Honsinger
Attorneys for Protestant

Dated this 10th day of March, 2017.

APPLICANTS



Robert Thomas



Kelly Thomas

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 15th day of March, 2017, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following

Robert A Thomas
Kelly A Thomas
17947 Short Cut Rd.
Murphy, ID 83650

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



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WATER RESOURCES
WESTERN REGION

March 15, 2017

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Water Right No. 57-11884

Dear sir or madam:

Enclosed please find a Stipulation to Withdraw Protest executed by the applicant and protestant to be filed in the above referenced matter. Please contact me directly with any questions or concerns.

Sincerely,


Charles L. Honsinger

enclosure