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RECEIVED
JUN 30 2017
WATER RESOURCES
WESTERN REGION

Attorneys for Protestant The Terteling Company, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
WATER RIGHT NO. 63-34242 IN THE
NAME OF ZWJ PROPERTIES, LLC

)
)
) STIPULATION AND
) WITHDRAWAL OF PROTEST
)
)

COMES NOW, the Protestant, The Terteling Company, Inc. (hereinafter "TTCI"), by and through its counsel of record Honsinger Law, PLLC, together with Applicant ZWJ Properties, LLC (hereinafter "ZWJ"), and hereby stipulate to settle the above referenced matter as follows:

1. Approval of Permit No. 63-34242 shall include the following conditions (or conditions that are substantially similar):

1. Any well drilled pursuant to Permit No. 63-34242 may be used for irrigation or domestic purposes provided that:

- A. The bottom hole temperature of any such well is less than 85F;
- B. Any water produced from such well has a temperature of less than 85F;
- C. Any such well shall be constructed using the direct mud rotary drilling method; and
- D. Any such well shall be cased and sealed over the full length of the casing from ground level to at least 200 feet.

2. Permit holder shall provide IDWR with a temperature log of any well borehole (prior to casing and constructing such well), together with a subsequent temperature log for any well constructed as a point of diversion for permit no. 63-34242.

3. Permit holder shall test pump any well that is constructed as a point of diversion for permit no. 63-34242. Permit holder shall: (1) notify IDWR of the testing date and time a minimum of 48 hours prior to testing; (2) conduct test pumping for at least 6 hours at a constant pumping rate of no less than 75% of the nominal pumping rate selected for the permanent pump; (3) measure static water level prior to testing; (4) measure pumping water level, water temperature, and pumping rate at intervals of no less than once per hour; and (5) measure recovery water level for a minimum of 1 hour following the end of pumping. Water levels shall be measured with an accuracy of 0.1 feet or better. Pumping rate shall be measured with a calibrated flow meter or a volumetric means with an accuracy of 5% or better. The pumping test shall be conducted under the supervision of a professional engineer or geologist registered in the state of Idaho. IDWR may observe the pump test if desired. The engineer or geologist shall submit a stamped pumping test report to IDWR within 30 days of the completion of testing.

4. Permit holder shall permit IDWR an opportunity to measure the temperature of water pumped from any well that is a constructed as a point of diversion for permit no. 63-34242 upon reasonable request.

II. Protestant will agree that permit holder has made a sufficient showing that pumping of any well constructed under permit no. 63-34242 will not adversely affect the low temperature geothermal resources of the Boise Front area if the bottom-hole temperature and produced water are both less than 85F. Protestant may provide data to the contrary for IDWR's consideration,

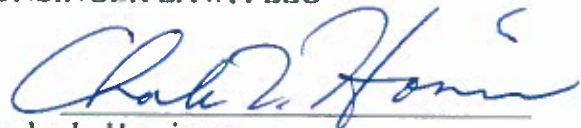
but it shall not be permit holder's burden to analyze impacts to other wells or to the aquifer as a whole.

III. Permit holder shall provide Protestant with the temperature log referenced in Paragraph I.2 hereinabove. Permit holder shall provide Protestant the same notice of any test pumping as is referenced in Paragraph I.3.(1) hereinabove; shall permit Protestant or Protestant's representative to observe any such test; and shall provide Protestant a copy of the pumping test report referenced in I.3 hereinabove within 30 days of the test. Permit holder shall permit Protestant an opportunity to measure the temperature of water pumped from any well that is a constructed as a point of diversion for permit no. 63-34242 upon reasonable request.

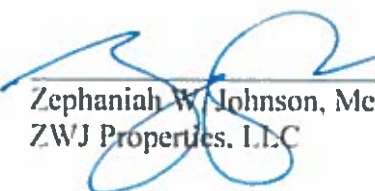
IV. Protestant hereby withdraws its protest and agrees that IDWR may issue permit no. 63-34242 provided the above stipulations have been met.

Dated this 28th day of June, 2017.

HONSINGER LAW, PLLC


Charles L. Honsinger
Attorneys for The Terteling Company, Inc.

Dated this 27 day of June, 2017.


Zephaniah W. Johnson, Member
ZWJ Properties, LLC

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 28th day of June, 2017, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following:

ZWJ Properties, LLC
333 Rossi St., Suite 200
Boise, ID 83706



Charles L. Honsinger

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

June 28, 2017

RECEIVED
JUN 30 2017
WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5084

Re: Application No. 63-34242 in the Name of ZWJ Properties, LLC

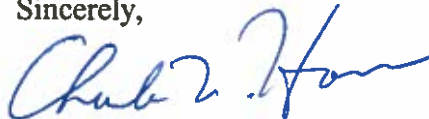
Dear Sir or Madam:

Enclosed herewith please find an executed Stipulation and Withdrawal of Protest to be filed in the above-referenced matter. Please file the document and provide me with a copy of the same in the enclosed self-addressed stamped envelope. 

Should you have any questions or concerns whatsoever, please contact me immediately with the same.

Thank you.

Sincerely,



Charles L. Honsinger