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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 APPLICATIONS FOR)
WATER RIGHT NOS. 63-34206 IN THE) STIPULATION
NAME OF HAWK STONE)
_____))
_____)

COMES NOW, the Applicant in the above referenced matter, Hawk Stone, together with the Protestant, The Terteling Company, Inc., by and through its counsel Honsinger Law, PLLC and stipulate to the following:

- A. Upon approval by IDWR, water right no. 63-34206 shall contain the following (or substantially similar) conditions:
1. Measuring devices of a type acceptable to IDWR shall be installed at the proposed point of diversion and the proposed discharge from the heating network. The measuring devices shall ensure that the identical quantity of water being diverted is discharging back to the ditch from which it was diverted.
 2. Use of water under this right shall be non-consumptive.
 3. This right shall be regulated by the Watermaster of Water District No. 63-S.

Regulation by the watermaster includes unannounced inspections and measurement of the ground water diverted under right no. 63-5195 from which waste water would be generated SW¼NE¼, Section 29, Township 04N, Range 02E (3911 Whitehead) and/or unannounced watermaster inspections and measurement of waste water diversion and beneficial use under this right.

4. IDWR shall issue a notice of violation and an order to show cause why this right should not be cancelled or revoked if IDWR determines any of the following:

- a) The right holder is consumptively using water under this right.
- b) Low temperature geothermal water is being delivered to the waste water right holder and used without beneficially using the low temperature geothermal water at the place of use (four homes) under water right no. 63-5195, or that the beneficial use at that place of use is not reasonably efficient.
- c) The right holder is diverting or using water not in compliance with the conditions of this water right.

5. Heating use is for 1 home, a greenhouse, an agricultural outbuilding, and snow melting on driveway.

6. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

7. This right does not grant any right-of-way or easement across the land of another.

- B. Applicant shall not agree with the water right holder of water right no. 63-5195 to in any way increase discharge from the point of diversion from water right no. 63-5195.
- C. Applicant's collection system shall incorporate an air gap to ensure physical separation from discharged waste water pursuant to water right no. 63-5195.
- D. Applicant shall provide copies of any and all written agreements to Protestant that are in any way associated with this water right application.
- E. Upon the filing of this executed Stipulation, Protestant's protest shall be deemed withdrawn.

Dated this 16th day of December, 2016.

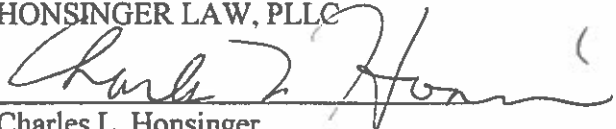
HAWK STONE



Hawk Stone, Applicant

Dated this 16th day of December, 2016.

HONSINGER LAW, PLLC



Charles L. Honsinger
Attorneys for Protestant

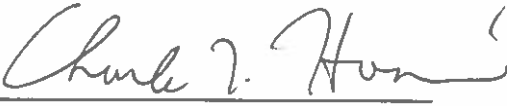
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 16th day of December, 2016, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following:

Hawk Stone
3921 W. Catalpa Drive
Boise, ID 83703

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Person mailing document