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SAWTOOTH LAW
OFFICES, PLLC

RECEIVED

JUN 25 2015

DEPARTMENT OF
WATER RESOURCES

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*Attorneys licensed in Idaho
* Also licensed in Washington*

Wednesday, June 24, 2015

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

RE: Application for Permit No. 63-34034

Dear Department Representative:

Enclosed for filing in the above-referenced matter is the following original document:

1. Stipulation to Resolve Protest

Please provide a date-stamped copy of this document in the self-addressed, postage prepaid envelope enclosed.

Thank you for your assistance.

Very truly yours,

Katie R. Kelly
Legal Assistant

Enclosures

cc: City of Meridian w/ encl.

SPF Water Engineering, LLC c/o Lori Graves w/ encl.

S. BRYCE FARRIS (ISB # 5636)
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Attorneys for Protestant
Nampa & Meridian Irrigation District

RECEIVED

JUN 25 2015

DEPARTMENT OF
WATER RESOURCES

RECEIVED
JUN 29 2015
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

APPLICATION FOR PERMIT
NO. 63-34034 IN THE NAME OF
THE CITY OF MERIDIAN

STIPULATION TO RESOLVE PROTEST

COMES NOW, Applicant City of Meridian (hereinafter "Applicant"), and the Protestant Nampa & Meridian Irrigation District (hereinafter "Protestant"), and hereby submit this *Stipulation to Resolve Protest* in the above-captioned matter.

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that the permit for Water Right No. 63-34034 may be granted contingent upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right No. 63-34034:

- a. The primary surface irrigation water for the place of use authorized under this right is delivered by Nampa & Meridian Irrigation District. The right holder shall make full beneficial use of all surface water rights 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 ground water under

ORIGINAL

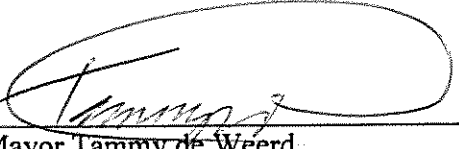
this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

- b. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- c. The ground water diversion rate for this right shall not exceed 0.90 cfs. Provided, further, this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre when averaged over a twenty-four hour period based upon the amount of water applied over such twenty-four hour period. However, should the lands authorized to be irrigated under this right ever cease to be a school, park, cemetery or golf course recognized by the Department as allowing more than one (1) inch per acre, then this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre at the field headgate for irrigation of the place of use.
- d. Ninemile Creek was originally added as a tributary to application 63-34034 because the application requests use of a shallow well in close proximity to Ninemile Creek (based on USGS quad maps). Given the additional information that Ninemile Creek is piped in the area of the well and would

not be impacted by the use of this right, Applicant and/or the Department will remove Ninemile Creek as tributary on the application.

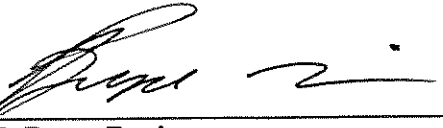
2. Protestant hereby withdraws its Protest filed in the above-captioned matter based upon the inclusion of the conditions stated in this Stipulation in Applicant's final Permit to Appropriate Water for Water Right No. 63-34034. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.

DATED this 19 day of June, 2015.

By: 
Mayor Tammy de Weerd
City of Meridian

DATED this 24th day of June, 2015.

SAWTOOTH LAW OFFICES, PLLC

By: 
S. Bryce Farris
Attorneys for Protestant, Nampa &
Meridian Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of June, 2015, I caused a true and correct copy of the foregoing **STIPULATION TO RESOLVE PROTEST** to be served by the method indicated below, and addressed to the following:

City of Meridian
33 E. Broadway, Suite 206
Meridian, ID 83642

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

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

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

Idaho Department of Water Resources
200 W. Front Street
Boise, Idaho 83702

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



S. Bryce Farris