

Boise Office

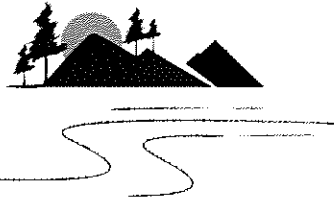
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*Attorneys licensed in Idaho
* Also licensed in Washington*

Tuesday, July 28, 2015

Nick Miller, Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JUL 30 2015

WATER RESOURCES
WESTERN REGION

Re: Permit Approval Notice for Permit No. 63-33977

Dear Mr. Miller:

I received your July 23, 2015 letter regarding the above referenced permit approval notice. This letter is to request correction of Condition of Approval No. 9. Item No. 9 incorrectly reads "no more than 0.03 cfs per acre," however, the May 7, 2015 Stipulation to Resolve Protest signed by the parties states "0.02 cfs per acre" (copy enclosed). Please consider this as a request for reconsideration or exception.

I look forward to receiving the updated permit approval notice. Thank you for your assistance.

Very truly yours,

S. Bryce Farris

SBF/dll
Enclosure

cc: Client
Kyle and Andrea Larson

RECEIVED
MAY 07 2015
DEPARTMENT OF
WATER RESOURCES

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

APPLICATION FOR PERMIT
NO. 63-33977 IN THE NAME
OF KYLE AND ANDREA LARSON

STIPULATION TO RESOLVE PROTEST

COMES NOW, Applicants Kyle and Andrea Larson (hereinafter "Applicants"), and the Protestant Nampa & Meridian Irrigation District (hereinafter "Protestant"), by and through its counsel of record, and hereby submit this *Stipulation to Resolve Protest* in the above-captioned matter.

Applicants and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that the permit for Water Right No. 63-33977 may be granted contingent upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right No. 63-33977:

- 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 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 43-222, Idaho Code, or approval of the Department if a transfer is not required.
- c. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

2. Protestant hereby withdraws its Protest filed in the above-captioned matter based upon the inclusion of the conditions stated in this Stipulation in Applicants' final Permit to Appropriate Water for Water Right No. 63-33977. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.

DATED this 30 day of April, 2015.

By: Kyle Larson
Kyle Larson, Applicant

DATED this 30 day of April, 2015.

By: Andrea Larson
Andrea Larson, Applicant

DATED this 6th May day of ~~April~~, 2015.

SAWTOOTH LAW OFFICES, PLLC

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th May day of ~~April~~, 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:

Kyle and Andrea Larson
1860 S. Canonero Way
Boise, ID 83709

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

322 E. 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
S. Bryce Farris