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WATER RESOURCES
WESTERN REGION
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AUG 22 2014

DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestant Nampa & Meridian Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

APPLICATION FOR PERMIT
NO. 63-33951 IN THE NAME
OF COLE VALLEY CHRISTIAN SCHOOL

STIPULATION TO RESOLVE PROTEST

COMES NOW, Applicant Cole Valley Christian School (hereinafter "Applicant"), 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.

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that the permit for Water Right No. 63-33951 may be granted contingent upon the following conditions be included in Applicant's final Permit to Appropriate Water for Water Right No. 63-33951:

- 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

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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 42-222, 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 Applicant's final Permit to Appropriate Water for Water Right No. 63-33951. This filing of this Stipulation to Resolve Protest shall serve as Protestant's withdrawal of its Protest.

DATED this 20th day of August, 2014.

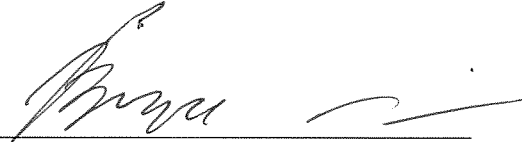
McHugh Bromley

By: Candice M. McHugh
Candice M. McHugh

Attorneys for Applicant, Cole Valley Christian School

DATED this 21st day of August, 2014.

SAWTOOTH LAW OFFICES, PLLC

By: 

S. Bryce Farris

Attorneys for Protestant, Nampa & Meridian
Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of August, 2014, I caused to be served a true and correct copy of the foregoing document by the method indicated below to the following:

Candice M. McHugh
McHugh Bromley
380 S. 4th Street, Ste. 103
Boise, ID 83702

- ☒ U.S. First Class Mail, Postage Prepaid
☐ U.S. Certified Mail, Postage Prepaid
☐ Federal Express
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

Idaho Department of Water Resources
~~200 W. Front Street~~ *Attn: John Weston*
~~Boise, Idaho 83702~~
2735 Airport Way
Boise, ID 83705-5082

- ☒ U.S. First Class Mail, Postage Prepaid
☐ U.S. Certified Mail, Postage Prepaid
☐ Federal Express
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail



S. Bryce Farris