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NOV 29 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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November 27, 2013

Allen D. Merritt
Regional Manager
Southern Idaho Regional Office
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: *The Valley Club, Inc., - Transfer Application No. 78255*

Dear Allen:

Enclosed please find a fully executed *Stipulation for Withdrawal of Protest*, dated November 27, 2013, for filing in the above-referenced matter. Please contact me if you have any questions regarding the enclosure.

Sincerely,



Michael C. Creamer

Encl: Stipulation for Withdrawal of Protest (original and copy)

cc: Barry Bevers (w/enc. via email barry@thevalleyclub.org)
Craig Hobdey (w/enc.)
Andy Waldera (w/enc.)

MCC:js
1934478_1/9365-5

ORIGINAL

Michael C. Creamer [ISB #4030]
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Attorneys for The Valley Club, Inc.

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

**BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 78255 IN THE NAME OF
THE VALLEY CLUB, INC.

STIPULATION FOR WITHDRAWAL
OF PROTESTS

Protestants Wood River Valley Irrigation District #45 ("District") and Big Wood Canal Company ("BWCC"), and Applicant The Valley Club, Inc. ("TVC"), through their respective counsel, hereby stipulate to withdrawal of the District's and BWCC's Protests to the above-captioned Transfer provided that any approval of the Transfer be conditioned substantially as follows:

1. Water rights 37-494, 37-495, 37-577BU, 37-577BV, 37-833K, 37-2623 and 37-657B will be limited to the irrigation of no more than 208.3 acres within a 276.7-acre permissible place of use within a single irrigation season.
2. Water rights 37-494, 37-495, 37-577BU, 37-577BV, 37-833K and 37-2623 will be limited to the irrigation of no more than 133 acres within the 276.7-acre permissible place of use within a single irrigation season.

3. Water right 37-657B will be limited to the irrigation of no more than 75.3 acres within the 276.7-acre permissible place of use within a single irrigation season.
4. Water right 37-2623 is supplemental to water rights 37-494, 37-495, 37-577BU, 37-577BV and 37-833K, and is limited to a diversion rate of 2.60 cfs and an annual diversion volume of 399.0 AF for the irrigation of 133 acres within the 276.7-acre permissible place of use.
5. The annual out-of-priority volume of water diverted under water right 37-2623 shall not exceed the annual volume of water delivered into the infiltration basin for ground water recharge under rights 37-494, 37-495, 37-577BU, 37-577BV and 37-833K as measured at the point of recharge unless other or additional approved mitigation is provided by the water right holder. Further, the annual mitigation recharge made under Transfer No. 78255 shall not create any carryover credits for future irrigation seasons to the extent that the right holder diverts less ground water than has been recharged in any given year.
6. Out-of-priority diversion of ground water for irrigation under water right 37-2623 is mitigated by the ground water recharge authorized using portions water rights 37-494, 37-495, 37-577BU, 37-577BV and 37-833K. See Transfer 78255. The water right holder shall maintain control of rights 37-494, 37-495, 37-577BU, 37-577BV and 37-833K for mitigation purposes.
7. 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 authorized for irrigation is not available or otherwise reasonably sufficient to irrigate the place of use authorized under this right.

8. The right holder will install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, and will install and maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. The right holder shall report the daily volume of water recharged to the Department by December 31 of each year.

DATED this 17th day of November, 2013.

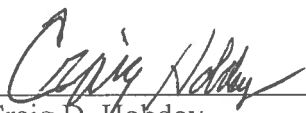
GIVENS PURSLEY LLP

By 
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Attorneys for The Valley Club, Inc.

MOFFATT THOMAS BARRETT ROCK &
FIELDS, CHTD

By: 
Andrew J. Waldera
*Attorneys for Wood River Valley Irrigation
District #45*

HOBDEY AND HOBDEY

By: 
Craig D. Hobdey
Attorneys for Big Wood Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2013 I caused to be served a true and correct copy of the foregoing document to the person(s) listed below by the method indicated:

Craig D. Hobdey
Hobdey & Hobdey
125 5th Avenue
PO Box 176
Gooding ID 83330

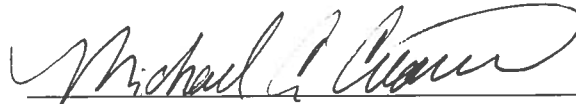
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