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SEP 28 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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Attorneys for Applicants

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application for Transfer	)	
No. 75529 in the name of	)	STIPULATION
Gregory J. & Julie A. Devries	)	
_____	)	
	)	
DuWayne Kimball,	)	
	)	
Protestant.	)	
_____	)	

COME NOW the Applicants, Gregory and Julie Devries, by and through their attorney of record, Gary D. Slette, of the firm of Robertson & Slette, PLLC; and DuWayne Kimball, Protestant herein, and stipulate and agree as follows:

1. This matter may be decided by the Hearing Officer assigned to this matter without a formal hearing or oral argument.

2. The parties agree that the only issue to be addressed by the IDWR Hearing Officer is:

Will other water rights be injured by the proposed transfer?

The parties agree that all other criteria to be considered by the Department have been satisfied, and that neither side shall be required to produce evidence or testimony in that regard.

3. The documents submitted as evidence by the Applicants are:

- 1
- 2 (a) Application for Transfer No. 75529 and such other documents as were
- 3 submitted with the Application.
- 4 (b) Multiple Well Effect Analysis of Transfer 75529 prepared by Brockway
- 5 Engineering dated August 27, 2009.
- 6 (c) Map showing well locations in Section 2, T. 11 S., R. 14 E.B.M., and
- 7 Surrounding Area.
- 8 4. Documents to be submitted as evidence by Protestant are:
- 9 (a) Notice of Protest.
- 10 (b) Well Driller's reports for Duffy, Duelke & Murphy.
- 11 (c) Map showing Twin Falls Groundwater Management Area.
- 12 (d) Hydrograph for well 10S14E-07DDA1.
- 13 (e) Technical Report entitled "Geohydrology and Development of a Steady
- 14 State Ground-Water Model for the Twin Falls, Idaho Area" by Donna M.
- 15 Cosgrove and others.
- 16 (f) Technical Report entitled "Development of a Transient Ground-Water
- 17 Model for the Twin Falls Area, Idaho" by Donna M. Cosgrove and others.
- 18 (g) September, 2009 letter from Nancy Murphy regarding why she drilled a
- 19 new well.
- 20 (h) August, 2009 letter from Bruce Duffy regarding why he drilled a new well.
- 21 (i) May, 1999 Application for Abandonment of Well, filed by Eaton Drilling,
- 22 regarding Duelke well.

23 5. The parties hereby waive their right to a formal hearing on this application and

24 protest, and request that the Hearing Officer render a decision based upon the information

25 identified in this Stipulation. Both parties are fully informed of their right to have a hearing, and

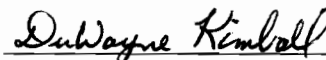
26 willingly enter into this Stipulation.

ROBERTSON & SLETTE, PLLC

By



Gary D. Slette
Attorney for Applicants
Dated: 9/28/09



DuWayne Kimball, Protestant
Dated: 9-22-09

CERTIFICATE OF MAILING

I hereby certify that on this 28 day of September, 2009, I served a copy of the foregoing instrument, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Original:

Allen D. Merritt, P.E.
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301

Copies to:

DuWayne Kimball
1333 E 3500 N
Buhl, ID 83316

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ Email kimball64@gmail.com

Gregory & Julie DeVries
3971 N 1200 E
Buhl, ID 83316

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



Gary D. Slette