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*Counsel for Applicant Brisbie LLC*

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Oct 30, 2023

DEPARTMENT OF  
WATER RESOURCES

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

IN THE MATTER OF APPLICATION FOR  
TRANSFER NO. 87042 IN THE NAME OF  
BRISBIE LLC

STIPULATION TO WITHDRAW  
PROTEST

Applicant Brisbie LLC ("Brisbie") and Protestant City of Boise ("City") (together, the "Parties"), pursuant to IDAPA 37.01.01.203, and .556, hereby stipulate to the withdrawal of the City's protest in the above-captioned matter ("*Application*") according to the terms and conditions set forth in this *Stipulation to Withdraw Protest* ("*Stipulation*").

In consideration for the City's withdrawal of its protest to the *Application*, the Parties hereby stipulate and agree as follows:

1. Brisbie shall install, at its sole cost, groundwater level monitoring equipment in the City's well located in the SESE of Section 31, T2N, R2E, well tag no. 0077080 (the "City Well") and donate such equipment to the Department's groundwater level monitoring program or to the City if the Department refuses to accept the well into its monitoring program. Brisbie shall have no further obligations with respect to the well or the monitoring equipment following its installation of equipment under this paragraph.



2. If either Brisbie or City file any new water right applications seeking appropriation of groundwater within two (2) miles of the City Well or points of diversion authorized by any approval of the *Application*, the party filing such application shall provide the other party with written notice thirty (30) days prior to any such application being filed. For the purposes of this *Stipulation*, notice in the form of email, pdf image, or hardcopy placed in the regular U.S. mail shall serve as the notice required by this paragraph.
3. Brisbie and City shall consult and cooperate with one another in reviewing new groundwater right applications proposed within two (2) miles of the City Well or points of diversion authorized by any approval of the *Application*. Each party shall have the right to participate in a protest or not as that party deems in its own best interests.
4. Brisbie and City shall consult and cooperate with one another in evaluating and reviewing any additional management measures proposed to be undertaken by the Department within two (2) miles of the City Well or points of diversion authorized by any approval of the *Application*. Each party shall have the right to participate or not in such additional management measures taken by the Department as that party deems in its own best interests.

The Parties further stipulate and agree that diversion and use of water in connection with any approval of the *Application* shall be subject to the terms and conditions of this *Stipulation*, which shall be personally binding upon Brisbie, but shall not be binding upon any successors and assigns to water right nos. 63-3362, 63-34795, 63-11347 and 63-7864, or any portions thereof. A separate *Stipulation and Joint Motion to Withdraw Protest and Approve Application* executed by



the Parties will be filed with the Department and will bind successors to Brisbie's interests in water right nos. 63-3362, 63-34795, 63-11347, and 63-7864.

Each of the undersigned represents and warrants that they are authorized to execute this *Stipulation*. Each party shall bear its own costs, expenses, and attorney fees in connection with the above-captioned matter.

BRISBIE LLC

September 15, 2023:

*Paul Clements*

By: Paul Clements

Its: Authorized Representative

CITY OF BOISE

October 5, 2023:

A handwritten signature in black ink, appearing to read "Steve Burgos", written over a horizontal line.

By: Steve Burgos

Its:



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DEPARTMENT OF  
WATER RESOURCES

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Counsel for Applicant Brisbie LLC

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

IN THE MATTER OF APPLICATION FOR  
TRANSFER NO. 87042 IN THE NAME OF  
BRISBIE LLC

STIPULATION AND JOINT MOTION  
TO WITHDRAW PROTEST AND  
APPROVE APPLICATION

Applicant Brisbie LLC ("Brisbie") and Protestant City of Boise ("City") (together, the "Parties"), pursuant to IDAPA 37.01.01.203, .220, .556 and .612, hereby stipulate and move the Idaho Department of Water Resources ("Department") to approve the application in the above-captioned matter ("*Application*") according to the terms and conditions set forth in this *Stipulation and Joint Motion to Withdraw Protest and Approve Application* ("*Stipulation*").

The Parties hereby stipulate and agree that any approval of the *Application* shall be subject to the monitoring and reporting requirements set forth in the January 20, 2023 "Letter Agreement" between Brisbie and Veolia Water Idaho, Inc., a copy of which has been submitted into the record in the above-captioned proceeding and which is incorporated by reference into this *Stipulation*. The Parties request that the conditions set forth in the Letter Agreement be included in any approval of the *Application*.

The Parties further stipulate and agree that diversions under water right nos. 63-3362, 63-34795, 63-11347, and 63-7864 from wells located in the SWSE of Section 31, T2N, R2E, and the



NENE Section 06, T1N, R2E, shall be limited to a combined diversion rate of 2.23 cubic feet per second.

The Parties further stipulate and agree that diversion and use of water in connection with any approval of the *Application* shall be subject to the terms and conditions of this *Stipulation*, which shall be binding upon successors and assigns to the water rights subject to the *Application*.

City's protest to the *Application* shall be deemed withdrawn upon the issuance of a final Order approving the *Application* with the conditions substantially similar to those set forth in the Letter Agreement and this *Stipulation*. The withdrawal of City's protest shall be with prejudice so long as the *Application* is not amended from its current form except as may be required by the Department to continue processing.

Each of the undersigned represents and warrants that they are authorized to execute this *Stipulation*. Each party shall bear its own costs, expenses, and attorney fees in connection with the above-captioned matter.

This *Stipulation* shall be filed with the Department in the above-captioned proceeding. The Parties request that the Department retain this *Stipulation* in the water right files for water right nos. 63-3362, 63-34795, 63-11347, and 63-7864.

*[end of text; signatures on next page]*



BRISBIE LLC

September 15, 2023:Paul Clements  
Paul Clements [Sep 15, 2023 22:18 CDT]

By: Paul Clements

Its: Authorized Representative

CITY OF BOISE

October 5, 2023:[Signature]

By: Steve Burgos

Its:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of October 2023, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

**DOCUMENT FILED:**

Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705  
Email: [file@idwr.idaho.gov](mailto:file@idwr.idaho.gov)  
[Nick.Miller@idwr.idaho.gov](mailto:Nick.Miller@idwr.idaho.gov)

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| <input type="checkbox"/>            | U.S. Mail, postage prepaid |
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| <input type="checkbox"/>            | Hand Delivery              |
| <input type="checkbox"/>            | Facsimile                  |
| <input checked="" type="checkbox"/> | E-file/Email               |

**DOCUMENT SERVED:**

Darrell Early  
Attorney, City of Boise  
PO Box 500  
Boise, ID 83701  
Email: [dearly@cityofboise.org](mailto:dearly@cityofboise.org)

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A handwritten signature in blue ink, appearing to read "Michael P. Lawrence".

Michael P. Lawrence