

Apr 15, 2025

DEPARTMENT OF
WATER RESOURCES

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*Attorneys for South Valley Ground Water
District*

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

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-23018 IN THE NAME OF SOUTH VALLEY GROUND WATER DISTRICT	STIPULATION FOR WITHDRAWAL OF PROTEST
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This Stipulation for Withdrawal of Protest is entered into between Applicant South Valley Groundwater District ("Applicant") and the undersigned Protestant, Idaho Department of Fish and Game ("Protestant").

RECITALS

Applicant filed an Application for Permit No. 37-23018. This water right application was initially filed by the Thomas O’Gara Family Trust in November of 2016, seeking the right to recharge 82 cfs on certain lands encompassed by The Thomas O’Gara Family Trust property located in Township 1S, Range 19E, Blaine County, Idaho ("Application"). In October of 2018, the Thomas O’Gara Family Trust assigned this Application to South Valley Groundwater District. In December of 2019, an amended application was filed. Shortly thereafter, in January of 2020, South Valley filed a second amended application.

Protestant filed a Notice of Protest regarding the Application on March 24, 2020.

The Applicant and Protestant have agreed upon terms to resolve the protest and desire to set forth the agreement in writing.

Based upon the foregoing and the conditions set forth in this Stipulation, which constitutes substantial and material consideration, Applicant and Protestant stipulate that Protestant will withdraw its protest conditioned upon the Idaho Department of Water Resources ("Department") including the following conditions of approval on Permit No. 37-23018 (the "Permit"):

1. Each of the Conditions listed on Attached Exhibit A.

Protestant's protest to the Application shall be deemed withdrawn upon the issuance of Permit setting forth the conditions described herein as part of the approval of the Application.

Protestant reserves the right to participate further in the protest should the Department elect not to include the terms and conditions set forth in this Stipulation. Protestant reserves all rights to protest any and all further Applications for Permit and/or transfer filed by Applicant. The parties request that the Department approve the conditions set forth in this Stipulation and include those conditions on the Permit issued by the Department.

Each party shall bear its own costs, expenses, and attorney's fees.

DATED: April 15, 2025

APPLICANT:

SOUTH VALLEY GROUNDWATER DISTRICT

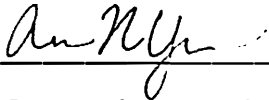
BY: 

TITLE: ITS Attorney

April 15, 2025

PROTESTANT:

IDAHO DEPARTMENT OF FISH AND GAME

BY: 

TITLE: Deputy Attorney General

EXHIBIT A
PROPOSED CONDITIONS FOR 37-23018 SVGWD

1. Between October 1 and April 14, diversions under this right may only occur when flows in the Big Wood River as measured at the Broadford Bridge NR Bellevue Gage (USGS 13140335) exceed 125 cfs as adjusted by subtracting all downstream diversions up to but not including the ByPass Canal.
2. On days when flows in the Big Wood River at Broadford Bridge NR Bellevue Gage (USGS 13140335) are equal to or exceed 1,709 cfs, diversions for recharge are not allowed to reduce flows in the Big Wood River any lower than 1,709 cfs. Provided, however, that once flows in the Big Wood River meet or exceed 1,709 cfs for a minimum of ten (10) total days per calendar year then water may be diverted under this right for the remainder of such calendar year.

Maline, Denise

From: Hailey S. Jordan <hjordan@martenlaw.com>
Sent: Tuesday, April 15, 2025 5:00 PM
To: IDWR File
Cc: Albert P. Barker
Subject: Stipulation for Withdrawal of Protest - Idaho Fish and Game re Permit No. 37-23018
Attachments: 2025-04-15 Stipulation for Withdrawal of Protest - Idaho Department of Fish and Game 4897-8624-4662 version 1.pdf

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Good Afternoon,

Attached is a Stipulation for Withdrawal of Protest - Idaho Fish and Game re Permit No. 37-23018 for South Valley Ground Water District. Please let me know if you have any questions or problems with the attachment. Thank you and have a nice day!

Hailey Jordan (she/her)
Legal Assistant

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