

Albert P. Barker [ISB No. 2867]
BARKER ROSHOLT & SIMPSON LLP
PO Box 2139
Boise, ID 83701-2139
apb@idahowaters.com
Fax: (208) 344-6034
Attorney for Riverside Irrigation District Ltd.

Andrew J. Waldera [ISB No. 6608]
Sawtooth Law Offices, PLLC
1101 W River St, Ste 110
PO Box 7985
Boise, ID 83707-7985
Office: (208) 629-7447 x216
Fax: (208) 629-7559
andy@sawtoothlaw.com
Attorneys for Pioneer Irrigation District

Christopher H. Meyer [ISB No. 4461]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 W Bannock St
PO Box 2720
Boise, Idaho 83701-2720
Office: 208-388-1200 x236
Fax: 208-388-1300
chrismeyer@givenspursley.com
mpl@givenspursley.com
Attorneys for City of Nampa

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

IN THE MATTER OF RIVERSIDE'S
PETITION FOR DECLARATORY RULING
REGARDING NEED FOR A WATER
RIGHT UNDER REUSE PERMIT NO.
M-255-01

Docket No. P-DR-2020-01

**STIPULATION REGARDING EXHIBITS
A-T AND OTHER EVIDENCE**

Pursuant to IDAPA 37.01.01.413.01.d and 37.01.01.557, Riverside Irrigation District, Pioneer Irrigation District, City of Nampa, City of Boise, City of Caldwell, City of Idaho Falls, City of Jerome, City of Meridian, City of Pocatello, City of Post Falls, and City of Rupert, the Association of Idaho Cities, Hayden Area Regional Sewer Board, and Idaho Power Company (“Parties”) hereby stipulate as follows.

I. STIPULATION AS TO EXHIBITS A-T

The Parties hereby stipulate to the admission of the following documents, each of which has been submitted separately as an exhibit:

- Exhibit A Map showing Canyon County irrigation districts (Reuse Application, Figure 5)
- Exhibit B Map showing Nampa’s area of city impact and the district boundaries of irrigation districts
- Exhibit C Map showing proposed alternatives for discharge of recycled water to Phyllis Canal (Attachment to Reuse Agreement)
- Exhibit D Map of Recycled Water Flow through Pioneer (Reuse Application, Figure 8)
- Exhibit E Map of Recycled Water Flow through Pioneer: Focus on Upper Portion of Area of Analysis (Reuse Application, Figure 9)
- Exhibit F Reuse Agreement (3/7/2018)
- Exhibit G Reuse Permit (1/21/2020)
- Exhibit H IDEQ’s Staff Analysis of Nampa’s Reuse Permit Application (10/10/2019)
- Exhibit I EPA Fact sheet: Nampa’s NPDES Permit (2015)
- Exhibit J Application for Reuse Permit (including cover letter, Preliminary Technical Report, Plan of Operations, Figures 1-13, and Appendices A-F) (3/19/2019)
- Exhibit K Map Showing Irrigation Districts within Nampa’s Area of City Impact

- Exhibit L Current Agreement between Pioneer Irrigation District and City of Nampa for Municipal Irrigation System (Sept. 9, 1974)
- Exhibit M 2019 Billing from Pioneer Irrigation District to City of Nampa for 2,984.77 Acres
- Exhibit N 2019 Billing from Boise-Kuna Irrigation District to City of Nampa for 436.90 acres
- Exhibit O 2019 Billing from Nampa & Meridian Irrigation District to City of Nampa for 4,077.93 Acres
- Exhibit P Spreadsheet of Pioneer Irrigation District Water Rights
- Exhibit Q Riverside Comments on Reuse Permit
- Exhibit R IDEQ's Response to Riverside's Comments
- Exhibit S Wastewater Re-use Partnership: City of Nampa and Pioneer Irrigation District – Different Source But Hardly Revolutionary (presentation by Andy Waldera)
- Exhibit T Minutes – Nampa City Council (Feb. 20, 2018) (agenda item #29 – Nampa Wastewater Treatment Plant Facility Plan) (pages 1, 31-47)

Not all Parties are in a position of knowledge allowing them to stipulate to the accuracy of every fact and expert opinion contained in each of the documents listed above. However, all Parties stipulate that they do not intend to challenge or to offer contrary evidence with respect to the facts or expert opinions set out in those documents. The Parties offer no such stipulation as to any non-expert opinion stated in any of the documents.

II. STIPULATION AS TO OTHER EVIDENCE

The Parties agree that the facts that may form the basis of the decision in this proceeding are limited to those facts relating to the actions proposed by Nampa and Pioneer under the Reuse Permit and how those proposed actions may impact or affect other water users, including Riverside. The Parties agree that the facts contained in the exhibits described in the section I

above and the separate *Stipulation of Facts by All Parties* (“Stipulation of Facts”) are potentially material to the Department’s declaratory ruling and may form the basis of that ruling.

In the Stipulation of Facts and the stipulated Exhibits, the Parties have endeavored to identify a broad range of facts and documents that are potentially relevant and material and could provide a factual basis for the declaratory ruling. However, it is not always possible to recognize at the outset every fact that may be relevant and material. In addition, some Parties may wish to offer evidence or information regarding their own water rights or operations for illustrative, comparative, or explanatory purposes. Accordingly, this Stipulation does not preclude a Party from offering additional facts that constitute matters of public record or are otherwise eligible for and subject to administrative notice under Rule 602 (IDAPA 37.01.01.602) by requesting the hearing officer take judicial notice of such facts or information in accordance with Rule 201, Idaho Rules of Evidence. Upon timely request, any Party is entitled to be heard on the propriety of taking judicial notice and the nature of the facts to be noticed. In addition, one or more of the Parties may present additional relevant and material evidence upon the stipulation or non-objection of all other Parties.

In the absence of agreement by other Parties or as otherwise provided above, any Party must seek leave of the Hearing Officer before any such facts or documents can be admitted into evidence. A Party seeking leave to establish such additional facts shall set out the reasons that such facts were not offered earlier so as to avoid surprise and the need for any adjustment in the schedule of proceedings. Any party objecting to submission of such additional facts or documents shall be entitled to seek such relief or remedy from the Hearing Officer as is suitable in the circumstances.

The Parties agree that, while other facts or evidence may be discussed by Parties in briefing or otherwise, the declaratory ruling should be grounded only in facts pertinent to Nampa, Pioneer, and Riverside, and their respective water rights, infrastructure, and operations, and that there is no need for any Party to contest facts or evidence discussed or offered with respect to the water rights, infrastructure, or operations of other intervenors, which are not the subject of this proceeding.

Respectfully submitted this 11th day of September, 2020.

BARKER ROSHOLT & SIMPSON LLP

Albert P. Barker
Attorney for Riverside Irrigation District

BARKER ROSHOLT & SIMPSON LLP

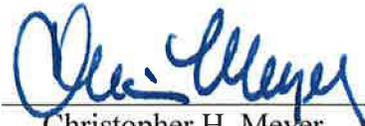
John K. Simpson
Attorney for Idaho Power Company

SAWTOOTH LAW OFFICES, PLLC



Andrew J. Waldera
Attorneys for Pioneer Irrigation District

GIVENS PURSLEY LLP



Christopher H. Meyer
Michael P. Lawrence
Attorneys for City of Nampa

The Parties agree that, while other facts or evidence may be discussed by Parties in briefing or otherwise, the declaratory ruling should be grounded only in facts pertinent to Nampa, Pioneer, and Riverside, and their respective water rights, infrastructure, and operations, and that there is no need for any Party to contest facts or evidence discussed or offered with respect to the water rights, infrastructure, or operations of other intervenors, which are not the subject of this proceeding.

Respectfully submitted this 11th day of September, 2020.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorney for Riverside Irrigation District

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson

Attorney for Idaho Power Company

SAWTOOTH LAW OFFICES, PLLC



Andrew J. Waldera

Attorneys for Pioneer Irrigation District

GIVENS PURSLEY LLP



Christopher H. Meyer

Michael P. Lawrence

Attorneys for City of Nampa

McHUGH BROMLEY, PLLC



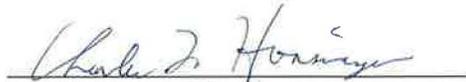
Candice M. McHugh
Attorneys for Association of Idaho Cities

McHUGH BROMLEY, PLLC



Chris M. Bromley
Attorneys for City of Jerome, City of Post Falls, and City of Rupert

HONSINGER LAW, PLLC



Charles L. Honsinger
Attorneys for City of Meridian and City of Caldwell

BOISE CITY ATTORNEY'S OFFICE



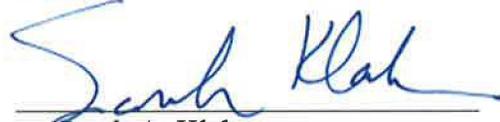
Abigail R. Germaine
Attorneys for City of Boise

MASON & STRICKLIN, LLP



Nancy Stricklin
Attorneys for Hayden Area Regional Sewer Board

SOMACH SIMMONS & DUNN



Sarah A. Klahn

Attorneys for City of Pocatello

HOLDEN KIDWELL HAHN & CRAPO, PLLC



Robert L. Harris

Attorneys for City of Idaho Falls

I HEREBY CERTIFY that on this 11th day of September, 2020, the foregoing was filed, served, and copied as shown below.

DOCUMENT FILED:

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Hand delivery or overnight mail:
322 East Front Street
Boise, ID 83702
Fax: (208) 287-6700

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

SERVICE COPIES TO:

Albert P. Barker
BARKER ROSHOLT & SIMPSON LLP
PO Box 2139
Boise, ID 83701-2139
apb@idahowaters.com
Fax: (208) 344-6034
Hand delivery or overnight mail:
1010 W Jefferson St, Ste 102
Boise, ID 83702
(For Riverside Irrigation District Ltd.)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Charles L. Honsinger
HONSINGER LAW, PLLC
PO Box 517
Boise, ID 83701
honsingerlaw@gmail.com
Fax: (208) 908-6085
(For City of Meridian and City of Caldwell)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Abigail R. Germaine
Deputy City Attorney
BOISE CITY ATTORNEY'S OFFICE
PO Box 500
Boise, ID 83701-0500
agermaine@cityofboise.org
Fax: (208) 384-4454

Hand delivery or overnight mail:
150 N Capitol Blvd
Boise, ID 83702
(For City of Boise)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Nancy Stricklin
MASON & STRICKLIN, LLP
PO Box 1832
Coeur d'Alene, ID 83816-1832
nancy@msslawid.com
Fax: (888) 809-9153
(For Hayden Area Regional Sewer Board)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Sarah A. Klahn
SOMACH SIMMONS & DUNN
2033 11th Street, #5
Boulder, CO 80302
sklahn@somachlaw.com
Fax: (720) 535-4921
(For City of Pocatello)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Candice M. McHugh
Chris M. Bromley
MCHUGH BROMLEY, PLLC
380 S 4th St, Ste 103
Boise, ID 83702
cbromley@mchughbromley.com
cmchugh@mchughbromley.com
Fax: (208) 287-0864
*(For Association of Idaho Cities, City of Jerome,
City of Post Falls, and City of Rupert)*

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

John K. Simpson
BARKER ROSHOLT & SIMPSON LLP
PO Box 2139
Boise, ID 83701-2139
jks@idahowaters.com
Fax: (208) 344-6034

Hand delivery or overnight mail:
1010 W Jefferson St, Ste 102
Boise, ID 83702
(For Idaho Power Company)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Andrew J. Waldera
SAWTOOTH LAW OFFICES, PLLC
PO Box 7985
Boise, ID 83707-7985
andy@sawtoothlaw.com
Fax: (208) 629-7559

Hand delivery or overnight mail:
1101 W River St, Ste 110
Boise, ID 83702
(For Pioneer Irrigation District)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Robert L. Harris
HOLDEN KIDWELL HAHN & CRAPO, PLLC
PO Box 50130
Idaho Falls, ID 83405-0130
rharris@holdenlegal.com
Fax: (208) 523-9518

Hand delivery or overnight mail:
1000 Riverwalk Drive, Ste 200
Idaho Falls, ID 83402
(For City of Idaho Falls)

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

COURTESY COPIES:

Gary L. Spackman
Director
IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720
Boise, ID 83720-0098
gary.spackman@idwr.idaho.gov
Fax: (208) 287-6700

Hand delivery or overnight mail:
322 E Front St
Boise, ID 83702

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Garrick L. Baxter
Deputy Attorney General
IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720
Boise, ID 83720-0098
garrick.baxter@idwr.idaho.gov
Fax: (208) 287-6700

Hand delivery or overnight mail:
322 E Front St
Boise, ID 83702

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Sean H. Costello
Deputy Attorney General
IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720
BOISE, ID 83720-0098
sean.costello@idwr.idaho.gov
Fax: (208) 287-6700

Hand delivery or overnight mail:
322 E Front St, Ste. 648
Boise, ID 83702

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail

Kimberle W. English
Paralegal
IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720
Boise, ID 83720-0098
kimberle.english@idwr.idaho.gov
Fax: (208) 287-6700

Hand delivery or overnight mail:
322 E Front St, Ste. 648
Boise, ID 83702

- U. S. Mail
- Hand Delivered
- Overnight Mail
- Fax
- E-mail



Christopher H. Meyer