

RECEIVED

MAY 11 2020

DEPARTMENT OF
WATER RESOURCES

Candice M. McHugh, ISB No. 5908
Chris M. Bromley, ISB No. 6530
MCHUGH BROMLEY, PLLC
Attorneys at Law
380 S. 4th St., Ste. 103
Boise, ID 83702
Telephone: (208) 287-0991
Facsimile: (208) 287-0864
cbromley@mchughbromley.com
cmchugh@mchughbromley.com

Attorneys for the Association of Idaho Cities

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
INTERVENTION**

On February 24, 2020, Riverside Irrigation District ("Riverside") filed a *Petition for Declaratory Ruling Regarding Need for a Water Right to Divert Water Under Reuse Permit No. M-255-01* ("Petition") with the Director of the Idaho Department of Water Resources ("Director" or "IDWR"). Riverside seeks a ruling on whether the water reuse permit issued by the Idaho Department of Environmental Quality ("DEQ") authorizing the City of Nampa ("Nampa") to discharge treated waste water into Pioneer Irrigation District's ("Pioneer") Phyllis Canal, as opposed to Indian Creek, requires Pioneer to obtain a water right to put that water to beneficial use on Pioneer's lands.

The following entities timely petitioned to intervene: Idaho Power Company, the cities of Boise, Caldwell, Idaho Falls, Jerome, Meridian, Nampa, Pocatello, Post Falls, and Rupert, the

**STIPULATION BETWEEN RIVERSIDE AND
INTERVENORS**

Association of Idaho Cities; the Hayden Area Regional Sewer Board and Pioneer Irrigation District also timely petitioned for intervention. Riverside opposes the interventions of the municipal petitioner-intervenors and in the alternative requested that the municipal intervenors be required to consolidate their participation in the proceeding. Riverside did not object to the interventions of the City of Nampa, Pioneer Irrigation District or Idaho Power Company.

In order to resolve Riverside's opposition to the municipalities' intervention petitions and request for consolidation, the Parties to this Stipulation agree to the following:

1. Riverside withdraws its opposition to the interventions of the Cities of Boise, Caldwell, Idaho Falls, Jerome, Meridian, Pocatello, Post Falls, and Rupert, the Association of Idaho Cities, and Hayden Area Regional Sewer Board (the "Intervenors") and agrees that they may participate in the above captioned matter in the manner and on the conditions described below.
2. With respect to any briefing permitted by the hearing officer as to any issue in this proceeding, Nampa shall be able to file a brief, Pioneer shall be able to file a brief, and the municipal Intervenors shall file no more than two additional briefs collectively. If the municipal intervenors or any of them file more than one joint brief, the municipal intervenors shall avoid undue duplication of any of the arguments or positions articulated in the municipal intervenors' main brief.
3. In any other proceedings in this matter, including discovery, hearings and argument, the hearing officer shall establish a process for the municipal intervenors to consolidate their positions, activities and presentations to avoid undue duplication and burden on the Petitioner Riverside, the Department and the other parties.

**STIPULATION BETWEEN RIVERSIDE AND
INTERVENORS**

4. The Parties agree to stipulate to essential facts relating to the Nampa and Pioneer re-use project which are necessary for the determination of the issues raised by Riverside's Petition. Facts specific to the other Intervenor's' projects or proposed projects will not be included in the record as essential facts necessary to resolving issues raised by Riverside's Petition, but specific intervenors may provide examples of the impacts a determination on the essential facts may have on those intervenors.

DATED this 11th day of May, 2020

BARKER RSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for Riverside Irrigation District Ltd.

GIVENS PURSLEY LLP



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

SAWTOOTH LAW OFFICES, PLLC

Andrew J. Waldera
Attorneys for Pioneer Irrigation District

STIPULATION BETWEEN RIVERSIDE AND INTERVENORS


4. The Parties agree to stipulate to essential facts relating to the Nampa and Pioneer re-use project which are necessary for the determination of the issues raised by Riverside's Petition. Facts specific to the other Intervenor's' projects or proposed projects will not be included in the record as essential facts necessary to resolving issues raised by Riverside's Petition, but specific intervenors may provide examples of the impacts a determination on the essential facts may have on those intervenors.

DATED this 11th day of May, 2020

BARKER ROSHOLT & SIMPSON LLP

Albert P. Barker
Attorneys for Riverside Irrigation District Ltd.

GIVENS PURSLEY LLP



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

SAWTOOTH LAW OFFICES, PLLC

/s/ Andrew J. Waldera
Andrew J. Waldera
Attorneys for Pioneer Irrigation District

**STIPULATION BETWEEN RIVERSIDE AND
INTERVENORS**

McHUGH BROMLEY, PLLC



Candice M. McHugh

Attorneys for Association of Idaho Cities

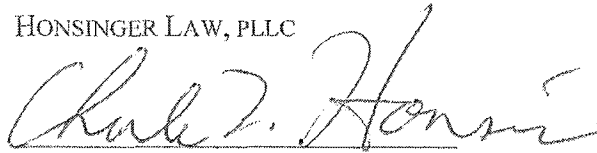
McHUGH BROMLEY, PLLC



Chris M. Bromley

Attorneys for City of Jerome, City of Post Falls, and City of Rupert

HONSINGER LAW, PLLC



Charles L. Honsinger

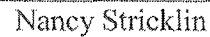
Attorneys for City of Meridian and City of Caldwell

BOISE CITY ATTORNEY'S OFFICE



Attorneys for City of Boise

MASON & STRICKLIN, LLP



Attorneys for Hayden Area Regional Sewer Board

McHUGH BROMLEY, PLLC

Candice M. McHugh
Attorneys for Association of Idaho Cities

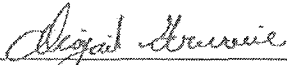
McHUGH BROMLEY, PLLC

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

STIPULATION BETWEEN RIVERSIDE AND
INTERVENORS

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

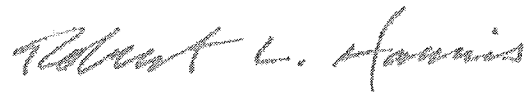
STIPULATION BETWEEN RIVERSIDE AND INTERVENORS

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

CERTIFICATE OF SERVICE

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

DOCUMENT FILED:

IDAHO DEPARTMENT OF WATER RESOURCES	<input type="checkbox"/>	U. S. Mail
P.O. Box 83720	<input type="checkbox"/>	Hand Delivered
Boise, ID 83720-0098	<input type="checkbox"/>	Overnight Mail
Hand delivery or overnight mail:	<input checked="" type="checkbox"/>	Fax
322 East Front Street	<input type="checkbox"/>	E-mail
Boise, ID 83702		
Fax: (208) 287-6700		

SERVICE COPIES TO:

Albert P. Barker, Esq.	<input type="checkbox"/>	U. S. Mail
BARKER RSHOLT & SIMPSON LLP	<input type="checkbox"/>	Hand Delivered
PO Box 2139	<input type="checkbox"/>	Overnight Mail
Boise, ID 83701-2139	<input type="checkbox"/>	Fax
Email: apb@idahowaters.com	<input checked="" type="checkbox"/>	E-mail
Fax: (208) 344-6034		
Hand delivery or overnight mail:		
1010 W Jefferson St, Ste 102		
Boise, ID 83702		
<i>(For Petitioner Riverside Irrigation District Ltd.)</i>		

John K. Simpson, Esq.	<input type="checkbox"/>	U. S. Mail
BARKER RSHOLT & SIMPSON LLP	<input type="checkbox"/>	Hand Delivered
1010 W Jefferson St, Ste 102	<input type="checkbox"/>	Overnight Mail
Boise, ID 83702	<input type="checkbox"/>	Fax
PO Box 2139	<input checked="" type="checkbox"/>	E-mail
Boise, ID 83701-2139		
Email: jks@idahowaters.com		
Fax: (208) 344-6034		
<i>(For Proposed Intervenor Idaho Power)</i>		

Charles L. Honsinger, Esq.	<input type="checkbox"/>	U. S. Mail
HONSINGER LAW, PLLC	<input type="checkbox"/>	Hand Delivered
P.O. Box 517	<input type="checkbox"/>	Overnight Mail
Boise, ID 83701	<input type="checkbox"/>	Fax
Email: honsingerlaw@gmail.com	<input checked="" type="checkbox"/>	E-mail
Fax: (208) 908-6085		

STIPULATION BETWEEN RIVERSIDE AND
INTERVENORS

(For Proposed Intervenor Cities of Meridian and Caldwell)

Robert L. Harris, Esq.	<input type="checkbox"/>	U. S. Mail
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.	<input type="checkbox"/>	Hand Delivered
P.O. Box 50130	<input type="checkbox"/>	Overnight Mail
1000 Riverwalk Drive, Suite 200	<input type="checkbox"/>	Fax
Idaho Falls, ID 83405	<input checked="" type="checkbox"/>	E-mail
Facsimile: (208) 523-9518		
Email: rharris@holdenlegal.com		
<i>(For Proposed Intervenor City of Idaho Falls)</i>		

Candice M. McHugh	<input type="checkbox"/>	U. S. Mail
Chris M. Bromley	<input type="checkbox"/>	Hand Delivered
MCHUGH BROMLEY, PLLC	<input type="checkbox"/>	Overnight Mail
380 S. 4 th St., Ste. 103	<input type="checkbox"/>	Fax
Boise, ID 83702	<input checked="" type="checkbox"/>	E-mail
Facsimile: (208) 287-0864	<input type="checkbox"/>	U. S. Mail
cbromley@mchughbromley.com	<input type="checkbox"/>	Hand Delivered
cmchugh@mchughbromley.com	<input type="checkbox"/>	Overnight Mail
<i>Attorneys for the Association of Idaho Cities, Cities of Jerome, Post Falls, Rupert</i>	<input type="checkbox"/>	Fax
	<input checked="" type="checkbox"/>	E-mail

Andrew J. Waldera, Esq.	<input type="checkbox"/>	U. S. Mail
SAWTOOTH LAW OFFICES, PLLC	<input type="checkbox"/>	Hand Delivered
P.O. Box 7985	<input type="checkbox"/>	Overnight Mail
Boise, ID 83707	<input type="checkbox"/>	Fax
Email: andy@sawtoothlaw.com	<input checked="" type="checkbox"/>	E-mail
Fax: (208) 629-7559		
<i>(For Proposed Intervenor Pioneer Irrigation District)</i>		

Christopher H. Meyer.	<input type="checkbox"/>	U. S. Mail
Michael P. Lawrence	<input type="checkbox"/>	Hand Delivered
GIVENS PURSLEY LLP	<input type="checkbox"/>	Overnight Mail
601 West Bannock Street	<input type="checkbox"/>	Fax
P.O. Box 2720	<input checked="" type="checkbox"/>	E-mail
Fax: (208) 388-1300		
Email: chrismeyer@givenspursley.com		
Email: mpl@givenspursley.com		
<i>Attorneys for City of Nampa</i>		

STIPULATION BETWEEN RIVERSIDE AND INTERVENORS

Sarah A. Klahn
SOMACH SIMMONS & DUNN
2033 11th St., Suite 5
Boulder, CO 80302
Email: sklahn@somachlaw.com
Fax: (720) 535-4321
Attorney for the City of Pocatello

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

Abigail R. Germaine
BOISE CITY ATTORNEY'S OFFICE
150 N. Capitol Blvd.
P.O. Box 500
Boise, ID 83701-0500
Fax: (208) 384-4454
Email: agermaine@cityofboise.org
Attorney for City of Boise

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

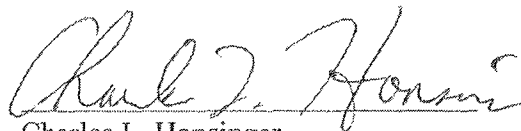
Nancy Stricklin
MASON & STRICKLIN, LLP
P.O. Box 1832
Coeur d'Alene, Idaho 83816-1832
Email: nancy@msslawid.com
Fax: (208) 888-809-9153
Attorney for Hayden Area Regional Sewer Board

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

COURTESY COPIES:

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

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


Charles L. Honsinger

STIPULATION BETWEEN RIVERSIDE AND
INTERVENORS