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 K** Map Showing Irrigation Districts within Nampa’s Area of City Impact
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

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Attorneys for City of Nampa
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Respectfully submitted this 14th day of September, 2020.

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

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