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DEPARTMENT OF  
WATER RESOURCES

*Attorneys for Protestants Nampa & Meridian Irrigation District and Settlers Irrigation District*

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES**

IN THE MATTER OF INTEGRATED  
MUNICIPAL APPLICATION PACKAGE  
("IMAP") OF SUEZ WATER IDAHO INC.,  
BEING A COLLECTION OF INDIVIDUAL  
APPLICATIONS FOR TRANSFERS OF  
WATER RIGHTS AND APPLICATIONS  
FOR AMENDMENT OF PERMITS.

STIPULATION FOR WITHDRAWAL OF  
PROTESTS AND REQUEST TO CHANGE  
STATUS TO INTERVENOR BY NAMPA &  
MERIDIAN IRRIGATION DISTRICT AND  
SETTLERS IRRIGATION DISTRICT

**STIPULATION FOR WITHDRAWAL OF PROTESTS AND REQUEST TO CHANGE STATUS**

COME NOW, Applicant SUEZ Water Idaho Inc. ("SUEZ") by and through its counsel of record and Protestants Nampa & Meridian Irrigation District and Settlers Irrigation District (collectively, "Districts") by and through their undersigned counsel, and hereby stipulate and agree that the Districts intend to maintain their status as a Party in the above-captioned matter but request a change from the status of Protestants to that of Intervenors (hereinafter "*Stipulation for Withdrawal of Protests*").

This *Stipulation for Withdrawal of Protests* is the result of productive discussions between SUEZ and the Districts together with other disclosures and pleadings made by SUEZ in this IMAP proceeding, including SUEZ's withdrawal of all surface water rights and Marden Collector rights and permits.

**STIPULATION FOR WITHDRAWAL OF PROTESTS**

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Accordingly, SUEZ and the Districts hereby stipulate, agree, and state the following understandings and positions with respect to the IMAP:

1. Approval of the IMAP will not create any new appropriations of water nor increase the authorized quantity of any water right or permit in SUEZ's portfolio of water rights.
2. SUEZ has withdrawn from the IMAP the only surface water right (Permit No. 63-12055) that was previously included in the IMAP. *SUEZ's Notice of Withdrawal of Water Right Nos. 63-2892 and 63-12055 (Corrected)* (Dec. 1, 2017).
3. SUEZ has withdrawn from the IMAP the only Ranney Collector right that remained in the IMAP. *SUEZ's Notice of Withdrawal of Water Right Nos. 63-2892 and 63-12055 (Corrected)* (Dec. 1, 2017).
4. SUEZ's request for alternative points of diversion ("APODs"), if approved by the Department, will be made subject to an express, enforceable condition or remark appearing on the face of each right that embodies the principles described in *Suez's 2017 Supplement to the Update Report, Addressing APODs* (June 26, 2017), *Suez's Further Explanation of APOD Condition Language* (Sept. 11, 2017), and *SUEZ's Submission of Additional Authority on APODs* (Nov. 28, 2017). So long as the APODs are granted subject to condition language along those lines, the Districts have no objection to the APODs.
5. SUEZ seeks approval of its 50-year planning horizon for purposes of quantifying its future water demand. The Districts recognize and support long-term planning for water rights in the Treasure Valley. The Districts recognize that, while

planning for 50 years into the future is important, it is impossible to accurately and precisely forecast water demand that far into the future. For this reason, re-examination of future demand under then-current circumstances is necessary from time to time.


6. Accordingly, the Districts support SUEZ's offer to accept a "re-opener condition" that will give the Department some flexibility in re-evaluating the extent of SUEZ's reasonably anticipated future needs before the end of the 50-year planning horizon. The Districts defer to the Department as to the frequency of such re-openings, but assume that it would not be more frequent than once every 10 years. The Districts specifically reserve the right to be a party to any re-opening proceedings and to raise objections or concerns at said re-opening proceedings as the Districts may deem necessary.
7. Based on the inclusion of such a re-opener condition, the Districts do not oppose approval of the 50-year planning horizon sought by SUEZ.
8. It is SUEZ's and the Districts' understanding, and a basis for this request for change in party status, that the Districts will be afforded an opportunity to participate (by filing a timely protest or petition to intervene) in any re-opener proceeding. Alternatively, if the Director retains jurisdiction of this IMAP matter to undertake future re-opener proceedings, then the Districts should retain their party status therein without the need to protest or intervene.

Based on the above understandings and positions, and on good faith expressions of cooperation made between the Districts and SUEZ, the Districts hereby withdraw their protests to the IMAP, express their non-opposition to approval of the IMAP subject to the terms and

understandings stated above, and request that the status of both of the Districts be changed to that of an intervenor in the IMAP. The Districts shall thereafter maintain their independent positions and exercise their independent judgment with respect to any further development in this IMAP proceeding. Any expressions of support for or non-opposition to the IMAP contained in this *Stipulation for Withdrawal of Protests* do not prevent the Districts from re-evaluating their position based on new information or further developments in these proceedings.

Respectfully submitted this 17<sup>th</sup> day of April, 2018.

SAWTOOTH LAW OFFICES, PLLC

By   
S. Bryce Farris

*Attorneys for Protestants  
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Respectfully submitted this 18<sup>th</sup> day of April, 2018.

GIVENS PURSLEY, LLP

By   
Christopher H. Meyer

*Attorneys for Applicant  
SUEZ Water Idaho Inc.*

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of April, 2018, the foregoing was filed, served, and copied as shown below. Service by email is authorized by the Hearing Officer's Order of September 11, 2017 at page 3.

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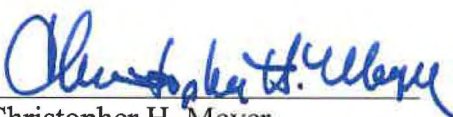
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