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JUN 11 2018

DEPARTMENT OF
WATER RESOURCES

Attorneys for Applicant SUEZ Water Idaho Inc.

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.

**STIPULATED AND CONDITIONAL
WITHDRAWAL OF PROTEST**

Protestants Boise Project Board of Control, Big Bend Irrigation District, Boise-Kuna Irrigation District, and Wilder Irrigation District (collectively, "Irrigation Entities") by and through their undersigned counsel and Applicant SUEZ Water Idaho Inc. ("SUEZ") by and through its undersigned counsel hereby submit this *Stipulated and Conditional Withdrawal of Protest*.

On March 16, 2018, the Boise Project Board of Control filed its *Motion for Summary Judgment to Limit Planning Horizon* ("MSJ").

On April 26, 2018, the Irrigation Entities and SUEZ jointly submitted a *Notice of Withdrawal of Discovery and Stipulation Regarding Scope of Protest* ("Stipulation").

As reflected in the *Stipulation*, the Parties have resolved concerns over all issues presented by the IMAP—including alternative points of diversion ("APODs"), the quantification

of reasonably anticipated future needs (“RAFN”), and the need for a reopener provision—except for the issue of the duration of the planning horizon as reflected in the *MSJ*.

Subsequently, the Parties engaged in further discussions aimed at addressing and resolving the Irrigation Entities’ concerns over the duration of the 50-year planning horizon sought by SUEZ. The Parties thereafter agreed to resolve their differences based on certain obligations and limitations set out in an agreement entitled *IMAP Settlement Agreement Between Boise Project et al. and SUEZ* (“*Side Agreement*”).

The *Side Agreement* recognizes that SUEZ has a substantial portfolio of water rights, permits, and other entitlements that, based on current projections, will enable it to meet its RAFN through the year 2058. As a result, there is only a modest “gap” between SUEZ’s current portfolio of water rights and its reasonably anticipated future needs at the end of its 50-year planning horizon. The *Side Agreement* places specific limitations on SUEZ’s authority to fill that “gap” through new appropriations. This reflects the parties’ expectation and desire that the “gap” will be filled primarily through willing-seller, willing-buyer transactions involving the acquisition of existing water rights and/or contractual interests in storage facilities. Those limitations become effective only if SUEZ obtains final approval for its 50-year planning horizon and the RAFN quantification (370.87 cfs) set out in the SUEZ’s *Master Water Plan for the Years 2015 to 2065* (“*Master Water Plan*”).

Accordingly, the Boise Project Board of Control hereby withdraws its *MSJ* and the Irrigation Entities hereby withdraw their protests to the IMAP, subject to the following conditions: (1) issuance of final order approving the IMAP as described above (thereby making the limitations in the *Side Agreement* privately enforceable) and (2) reference to the existence of

the *Side Agreement* on the face of each of SUEZ's water rights and permits that are transferred or amended pursuant to the IMAP.


The Parties understand and agree that the reference to the *Side Agreement* described above is not intended (1) to make the *Side Agreement* part of the water rights and permits, (2) to make the *Side Agreement* enforceable by IDWR, or (3) to create third party rights in the *Side Agreement*. The purpose of the reference is simply to make a public record of the existence of the privately enforceable *Side Agreement*.

The Irrigation Entities do not oppose, and would welcome, the imposition by IDWR of a reopener condition on the approval of the IMAP allowing IDWR to re-evaluate SUEZ's future water needs prior to the conclusion of the 50-year planning horizon. The Parties may express differing views as to the specifics of how the reopener would be implemented.

SUEZ and the Irrigation Entities do not seek or intend by this *Stipulated and Conditional Withdrawal of Protest* or by the *Side Agreement* to establish any precedent with respect to future applications involving RAFN made by SUEZ or any other municipal provider.

Dated this 11th day of June, 2018.

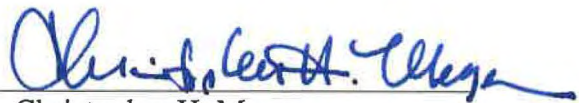
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By  _____
Shelley M. Davis

*Attorneys for Protestants
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Wilder Irrigation District*

Dated this 7th day of June, 2018.

GIVENS PURSLEY LLP

By 
Christopher H. Meyer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June, 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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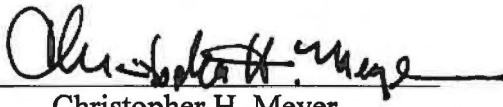
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