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*Attorneys for Boise Project Board of Control*

RECEIVED  
SEP 25 2020  
DEPARTMENT OF  
WATER RESOURCES  
RECEIVED  
SEP 29 2020  
WATER RESOURCES  
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF:	)	
	)	
<b>APPLICATION FOR PERMIT NO.</b>	)	<b>STIPULATED CONDITIONAL</b>
<b>63-34891, IN THE NAME OF BOISE</b>	)	<b>WITHDRAWAL OF ELMORE</b>
<b>PROJECT BOARD OF CONTROL</b>	)	<b>COUNTY'S PROTEST</b>
	)	

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WHEREAS, the Boise Project Board of Control ("Boise Project") filed an Application for Permit dated May 1, 2020 to appropriate 220 cfs for hydropower generation at the Arrowrock Hydroelectric Project on a year-round basis with the source of water from Boise River.

WHEREAS, on June 3, 2020, Elmore County, Board of Commissioners ("Elmore County") filed a Notice of Protest for the approval of permit 63-34891, raising concerns about impacts to Elmore County's Boise River water rights.

WHEREAS, Boise Project and Elmore County have now agreed to this Stipulation to resolve issues raised in the Notice of Protest.

NOW, THEREFORE, the Boise Project and Elmore County, stipulate and agree that protestant Elmore County will withdraw from participation in the Protest in the matter of permit No. 63-34891 on the following conditions:

1. That all of the conditions (1-9) contained in the license for Water Right No. 63-10240 issued to the Boise Project for a water right for power at the Arrowrock Hydroelectric Project be included in the permit and any subsequent license for Water Right 63-34891.

2. That in addition to these nine (9) conditions, the water right permit and subsequent license for 63-34891 shall contain as a condition the following: "This right is subject to all prior rights, including prior permits that become licensed."

3. Elmore County will cease involvement in this pending application except to explain to the Department the terms and conditions set forth in paragraphs 1 and 2 above. Elmore County reserves the right to participate further in the protest should the Department elect to modify the conditions or does not include the conditions set forth in paragraphs 1 and 2 above into any water right issued to the applicant under Water Right No. 63-34891.

DATED: September 21st 2020

**ELMORE COUNTY BOARD OF  
COMMISSIONERS**



Scott Campbell  
Attorney for Elmore County, Board of  
Commissioners

DATED: September 23, 2020

**BARKER ROSHOLT & SIMPSON LLP**



Albert P. Barker  
Attorneys for Boise Project Board of Control

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23 day of September, 2020, I caused to be served a true and correct copy of the foregoing **STIPULATED CONDITIONAL WITHDRAWAL OF ELMORE COUNTY'S PROTEST** by the method indicated below, and addressed to each of the following:

Idaho Department of Water Resources  
322 E Front St  
Boise, Idaho 83720-0098

☐ Hand Delivery  
☒ U.S. Mail, postage prepaid  
☐ Facsimile  
☐ Overnight Mail  
☐ Email

Scott L. Campbell  
Campbell Law, Chartered  
P.O. Box 170538  
Boise, ID 83717

☐ U.S. Mail  
☐ Facsimile  
☐ Overnight Mail  
☒ Email: [scott@scclcxh20.com](mailto:scott@scclcxh20.com)

Dylan B. Lawrence  
Varin Wardwell LLC  
P.O. Box 1676  
Boise, ID 83701-1676

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