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RECEIVED
JUN 11 2019
DEPARTMENT OF
WATER RESOURCES

RECEIVED
JUN 12 2019
WATER RESOURCES
WESTERN REGION

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34682 IN THE NAME OF
JEFF DANCER

**STIPULATION TO WITHDRAW
PROTEST**

WHEREAS, Jeff Dancer filed an Application for Permit No. 63-34682 with a revised date of March 15, 2019, (the "Application") to appropriate 0.18 cubic feet per second ("cfs") for irrigation purposes from March 1 through November 15, and 3.0 cfs and 330.3 acre-feet ("AF") for wildlife and recreation purposes and diversions to storage from September 1 through February 28, with the source of water being the Dixie Slough, a tributary of the Boise River.

WHEREAS, on April 22, 2019, the city of Boise City ("City") filed a Notice of Protest as to the approval of the Application.

WHEREAS, on April 22, 2019, a Notice of Protest was also filed by Riverside Irrigation District Ltd ("Riverside").

WHEREAS, Jeff Dancer and Riverside executed a Stipulation to Resolve Protest and Release on May 1, 2019 outlining an agreed upon resolution for the issues raised in the Protest filed by Riverside.

WHEREAS, the City and Jeff Dancer wish to resolve the issues raised by the City in its Notice of Protest.

NOW, THEREFORE, the City and Jeff Dancer, by and through their attorneys of record, stipulate and agree that the City will withdraw its Notice of Protest to the Application upon the following terms and conditions:

1. That the City and Jeff Dancer shall agree and the Idaho Department of Water Resources (the "Department") shall include the following conditions on any permit and license issued pursuant to this Application:

a. The source of this right is wastewater. The wasting of water may be discontinued at any time. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting, or to recapture.

b. The wildlife and recreation, wildlife and recreation storage, and diversion to storage uses of this right, equaling 3.0 cfs and 330.3 AF, shall be junior and subordinate to water right no. 63-33467 and 63-34318.

c. All flows diverted under this right shall be caused to be returned to the Dixie Slough and shall not be permitted to return to any other water way. Return flows shall be measured at the point which such flows return to the Dixie Slough.

d. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. Such measuring device and lockable controlling works shall be utilized for the sole measurement of the water authorized to be diverted under this right. Such device shall not measure commingled water rights and supplies.

2. If the Department approves the Application, Jeff Dancer and the City request an order from the Department which states that conditions identical to those set forth above in Paragraph 1 shall be included on any right issued pursuant to this Application.

3. The City reserves the right to further participate and pursue its protest of the Application, should the Department decide not to include the conditions set forth in Paragraph 1 above on any water right issued to Jeff Dancer for diversion from the Dixie Slough.

4. Should the Department enter an order requiring the above conditions in Paragraph 1 be placed on any water right issued pursuant to the Application, the City will file a Withdrawal of Protest with the Department.

DATED: 6/6/2019

By: 
Jeff Dancer

DATED: June 11, 2019

By: 
Abigail Germaine,
Attorney for the City of Boise

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of June 2019, I served true and correct copies of the foregoing document to the following individuals:

Original to:

Idaho Department of Water Resources
Idaho Water Center
P.O. Box 83702
Boise, Idaho 83702

- ☐ U.S. Mail
- ☒ Personal Delivery
- ☐ Facsimile
- ☐ Electronic Means w/ Consent
- ☐ Other: _____

Copies to:

Jeff Dancer
411 E. Karcher Road
Nampa, ID 83684
JDancer@DascoIdaho.com

- ☒ U.S. Mail
- ☐ Personal Delivery
- ☐ Facsimile
- ☒ Electronic Means w/ Consent
- ☐ Other

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- ☐ Other: _____



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