

RECEIVED

JAN 28 2020

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

JAN 30 2020

WATER RESOURCES  
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF:

APPLICATION FOR PERMIT NO.  
63-34757 IN THE NAME OF GREG AND  
ANN OBENDORF

**STIPULATION TO RESOLVE  
PROTEST AND RELEASE**

WHEREAS, Greg and Ann Obendorf (Obendorf) filed an Application for Permit dated July 12, 2019 (as amended) to appropriate 4.98 cfs for irrigation purposes from March 1 to November 15 of each year with the source of water from Dixie Slough, a tributary to the Boise River.

WHEREAS, on October 4, 2019, Riverside Irrigation District Ltd (Riverside) filed a Notice of Protest for the approval of permit 63-34757.

WHEREAS, Notices of Protest were filed by other persons and entities.

WHEREAS, protestant Riverside and applicant Obendorf wish to resolve the issues raised in the Protest filed by Riverside.

NOW, THEREFORE, Obendorf and Riverside, by and through their attorneys of record, stipulate and agree that protestant Riverside will withdraw from participation in the protest in the matter of permit No. 63-34757 on the following conditions:

1. That Obendorf and Riverside shall propose a condition on the water right to be inserted by the Idaho Department of Water Resources (Department) into water right 63-34757 stating the following:

“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 manor of wasting it, or to recapture.”

2. Riverside and Obendorf recognize that the Dixie Slough has been used in the past by Riverside as a wasteway for water in the event of canal break or to prevent overtopping of the canal in the event of flows into the canal from other sources, particularly including the West End Drain which is located upstream of the Dixie Slough on the Riverside Canal, and the parties recognize that Riverside maintains a headgate on the Riverside Canal to the Dixie Slough allowing Riverside to release water from the Riverside Canal into Dixie Slough.

3. Based upon Riverside’s historic uses, Obendorf agrees to protect and hold harmless Riverside from any and all demands, claims, and liability associated with Riverside’s use of the Dixie Slough as a wasteway. Obendorf further releases Riverside from any and all claims, demands, and liability that Obendorf may hereafter have, arising from or associated with effects to the operations proposed by Obendorf under Water Right No. 63-33673 and any impact to structures installed in or adjacent to the Dixie Slough by Obendorf to facilitate its operations under Water Right No. 63-33673. This release shall be binding on Obendorf and its successors and assigns.

4. Upon execution of the Stipulation to Resolve Protest and Release, Riverside will cease involvement in Obendorf’s pending application process except to explain to the Department the terms and conditions of the remark set forth in paragraph 1 above. Riverside reserves the right to participate further in the protest should the Department elect not to include the remark set forth in paragraph 1 above into any water right issued to Obendorf for diversions from the Dixie Slough as identified in the Application for Water Right No. 63-34757.


5. Riverside shall file a Withdrawal of Protest with the Department immediately upon the Department’s approval of Water Right No. 63-34757, if such approval includes the remark set forth in paragraph 1 above.

6. The signatories hereto certify that they have been authorized by their respective Principals to execute this agreement on behalf of the Principals and that this Stipulation is binding on the Principals/Parties.

DATED: January 27 2020

HONSINGER LAW, PLLC

By:

  
Charles Honsinger

*Attorneys for Greg and Ann Obendorf*

DATED: January 27 2020

BARKER, ROEHOLT & SIMPSON LLP

By:



Albert P. Barker

*Attorneys for the Riverside Irrigation District Ltd*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of January, 2020, I served a copy of the foregoing  
STIPULATION TO RESOLVE PROTEST AND RELEASE by depositing same in the U.S. Mail,  
postage prepaid, as indicated, addressed to the following:

City of Boise  
Attn: Abigail Germaine  
105 N. Capitol Blvd.  
Boise, ID 83701

Charles L. Honsinger  
Honsinger Law, PLLC  
P.O. Box 517  
Boise, ID 83701

Dixie Land LLC  
22993 Howe Rd  
Caldwell, ID 83607-9019

  
\_\_\_\_\_  
Albert P. Barker