

JAYME B. SULLIVAN
BOISE CITY ATTORNEY

ABIGAIL GERMAINE
Deputy City Attorney
CITY OF BOISE
OFFICE OF THE CITY ATTORNEY
P.O. Box 500
Boise, ID 83701-0500
Telephone: (208) 608-7950
Idaho State Bar No. 9231
E-mail: BoiseCityAttorney@cityofboise.org

Attorney for City of Boise

RECEIVED

NOV 14 2019

**WATER RESOURCES
WESTERN REGION**

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 83392 IN THE NAME OF:
JOHN E. HOFFERD FAMILY TRUST

**STIPULATION TO WITHDRAW
PROTEST**

COMES NOW, Applicant, John E. Hofferd Family Trust ("Applicant") and the Protestant, City of Boise ("Protestant"), by and through their respective attorneys of record, and hereby submit this Stipulation to Withdraw Protest in the above-captioned matter.

Applicant and Protestant hereby stipulate and agree as follows:

1. Applicant and Protestant agree that Protestant hereby withdraws its protest of Application for Transfer No. 83392 ("Transfer Application"), and request the Idaho Department of Water Resources (the "Department") include the following condition in any approval of the Transfer Application:

- a. The diversion of water from all points of diversion under Right No. 63-31891 shall not exceed a total instantaneous diversion rate of 5.0 cfs, a total combined annual diversion volume of 3,620 AF, or a total annual storage volume of 65 AF.
2. Protestant hereby withdraws its Protest of the Transfer Application and requests the inclusion of the condition stated in this Stipulation to Withdraw Protest. The execution and filing of this Stipulation to Withdraw Protest shall serve as Protestant's formal withdrawal of its Protest.

DATED this 13 day of November 2019.

OFFICE OF THE CITY ATTORNEY


ABIGAIL R. GERMAINE, Deputy City Attorney
Attorney for City of Boise


MICHAEL P. LAWRENCE, Givens Pursley LLP
On behalf of John E. Hofferd Family Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of November 2019, I served true and correct copies of the foregoing document to the following counsel of record:

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:

John E. Hofferd Family Trust
1376 NW Remarkable Drive
Bend, Oregon 97703-5511

Michael Lawrence
GIVENS PURSLEY LLP
Attorneys at Law
601 West Bannock Street
PO Box 2720
Boise, Idaho 83701
mpl@givenspursley.com
Attorney for Applicant,
John E. Hofferd Family Trust


ABIGAIL R. GERMAINE
Deputy City Attorney