

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 RESOLVE
PROTEST AND RELEASE**

WHEREAS, JEFF DANCER filed an Application for Permit as revised dated March 15, 2019, to appropriate 3.0 cfs for wildlife and recreation and 330.3 AF for wildlife and recreation storage purposes from September 1 to February 28 and appropriate 0.18 cfs for irrigation from March 1 to November 15 from Dixie Slough, a tributary of the Boise River.

WHEREAS, on April 22, 2019, Riverside Irrigation District Ltd (Riverside) filed a Notice of Protest for the approval of permit 63-34682.

WHEREAS, a Notice of Protest was also filed by the City of Boise.

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

NOW, THEREFORE, Jeff Dancer 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. 63-34682 on the following conditions:

1. That Jeff Dancer and Riverside shall propose a condition on the water right to be inserted by the Idaho Department of Water Resources (Department) into water right 63-34682 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 manner of wasting it, or to recapture.”

2. Riverside and Jeff Dancer 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 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, Jeff Dancer agrees to waive any claims against Riverside associated with Riverside’s use of the Dixie Slough as a wasteway. Jeff Dancer further releases Riverside from any and all claims, demands, and liability that Jeff Dancer may hereafter have, arising from or associated with effects to the operations proposed by Jeff Dancer under Water Right No. 63-34682 and any impact to structures installed in or adjacent to the Dixie Slough by Jeff Dancer to facilitate its operations under Water Right No. 63-34682. This release shall be binding on Jeff Dancer and its successors and assigns.

4. Upon execution of the Stipulation to Resolve Protest and Release, Riverside will cease involvement in Jeff Dancer’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 Jeff Dancer for diversions from the Dixie Slough as identified in the Application for Water Right No. 63-34682.

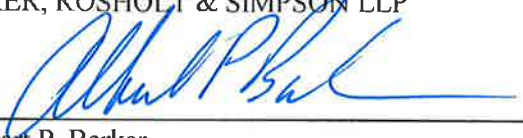
5. Riverside will file a Withdrawal of Protest with the Department immediately upon the Department's approval of Water Right No. 63-34682, if such approval includes the remark set forth in paragraph 1 above.

DATED: May 1, 2019

By: 
JEFF DANCER

DATED: May 1, 2019

BARKER, ROSHOLT & SIMPSON LLP

By: 
Albert P. Barker
Attorneys for the Riverside Irrigation District Ltd

CERTIFICATE OF SERVICE

I hereby certify that on this 1 day of May, 2019, 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:

Jeff Dancer
411 E. Karcher Road
Nampa, ID 83684

Abigail Germain
Deputy City Attorney
150 N. Capitol Blvd.
Boise, ID 83701



Albert P. Barker



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**WATER RESOURCES
WESTERN REGION**

May 1, 2019

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

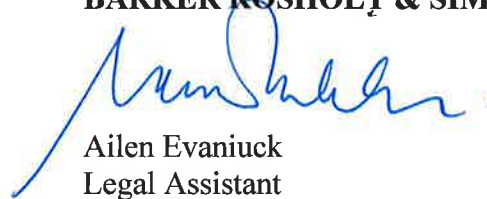
Re: Stipulation to Resolve Protest and Release for Water Right Permit No. 63-34682
in the name of Jeff Dancer

Dear Clerk,

Enclosed is an original signed Stipulation to Resolve Protest and Release regarding the above-matter for filing. Please return the copy with your file or received stamp in the enclosed envelope for our records. Thank you for your assistance.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Ailen Evaniuck
Legal Assistant

Enc. a/s