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Attorneys for Applicant Thorpe Family Trust

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WATER RESOURCES
WESTERN REGION

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34335 IN THE NAME OF
THORPE FAMILY TRUST

**STIPULATION FOR WITHDRAWAL
OF PROTEST AND ISSUANCE OF
PERMIT**

WHEREAS, Thorpe Family Trust ("Thorpe") filed an Application for Permit No. 63-34335 dated January 27, 2017 (the "Application"), to appropriate 1.3 cfs for irrigation purposes from March 1 through November 15, and 9.75 cfs for wildlife and recreation purposes and diversions to storage from September 1 through February 28, and 1,816.8 acre-feet for wildlife and recreation storage purposes from September 1 to February 28 with the source of water from Dixie Slough.

WHEREAS, on June 2, 2017, Greg Obendorf ("Obendorf") timely filed a Notice of Protest to the approval of the Application.

WHEREAS, Thorpe and Obendorf wish to resolve the issues raised in Obendorf's Notice of Protest.

NOW, THEREFORE, Thorpe and Obendorf stipulate and agree that Obendorf will withdraw its Notice of Protest to the Application on the following terms:

1. That the Idaho Department of Water Resources ("Department") include the

ORIGINAL

following condition in any permit issued under the Application:

To the extent surface return flows result from the diversion of water under this right, the holder shall cause such flows to be returned to the Dixie Slough, and shall not allow any such return flows to be diverted into the Meadows Drain.

2. The parties request the Department, pursuant to IDAPA 37.01.01.612, issue an order approving the Application and including the condition set forth in paragraph 1 above.

3. Obendorf's protest to the Application shall be deemed withdrawn upon the issuance of a final order approving the Application and including the condition set forth in paragraph 1 above.

4. Each party shall bear its own costs, expenses, and attorney fees in connection with the above-captioned matter.

DATED: 7/27/2018

THORPE FAMILY TRUST

By: 
Ryan Thorpe

DATED: 6/14/18

HONSINGER LAW, PLLC

By: 
Charles L. Honsinger
Attorney for Greg Obendorf

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of July, 2018, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

DOCUMENT FILED:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

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

DOCUMENT SERVED:

Robert B. Firpo
Office of the Solicitor
US Department of the Interior
960 Broadway Ave., Ste 400
Boise, ID 83706

☒ U.S. Mail, postage prepaid
☐ Express Mail
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☐ Facsimile

SPF Water Engineering LLC
c/o Lori Graves
300 E. Mallard Dr., Ste 350
Boise, ID 83706

☒ U.S. Mail, postage prepaid
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☐ Facsimile

Thorpe Family Trust
c/o Ryan Thorpe
28854 Boulder Rd.
Parma, ID 83660

☒ U.S. Mail, postage prepaid
☐ Express Mail
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☐ Facsimile

Greg Obendorf
Charles L. Honsinger
Honsinger Law PLLC
PO Box 517
Boise, ID 83701

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City of Boise
c/o Erika Malmen of Perkins Coie, LLP
1111 W. Jefferson St., Ste. 500
Boise, ID 83702

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Riverside Irrigation District
Attn: Albert P. Barker
Barker Rosholt & Simpson LLP
1010 Jefferson St., Ste. 102
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