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WATER RESOURCES
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SOLICITOR'S OFFICE (BOISE)

**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 5, 2017, the United States Department of Interior Bureau of Reclamation ("Bureau") timely filed a Notice of Protest to the approval of the Application.

WHEREAS, Thorpe and the Bureau wish to resolve the issues raised in the Notice of Protest filed by the Bureau.

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

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

following condition in any permit issued under the Application:

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.

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. The Bureau's protest to the Application shall be deemed withdrawn upon the issuance of a final order approving the Application and including the condition set forth in paragraph 1 above.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: 6-19-2018

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION

By: _____

E. Gail McGarry

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

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Thorpe Family Trust
c/o Ryan Thorpe
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Parma, ID 83660

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City of Boise
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Riverside Irrigation District
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c/o E. Gail McGarry
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Boise, ID 83706-1234

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By 
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