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WATER RESOURCES
WESTERN REGION

Application No. 65-23703
Date Received: January 24, 2018

Agreement in Resolution of Protest

IDWR Application for Permit Line #5:

Amount	80.3 acre-feet	for	Commercial to Storage	from	See below	to	See below
Amount	80.3 acre-feet	for	Commercial from Storage	from	11/1	to	3/31
Amount	80.3 acre-feet	for	Commercial Storage	from	1/1	to	12/31
Amount	80.3 acre-feet	for	Recreation Storage	from	1/1	to	12/31
Amount	80.3 acre-feet	for	Aesthetic Storage	from	1/1	to	12/31
Amount	80.3 acre-feet	for	Fire Protection Storage	from	1/1	to	12/31

Bogus Basin Recreational Association, Inc. ("Bogus") and Dobson Livestock, LLC ("Dobson"), in resolution of the protest ("Protest") filed by Dobson, agree that Bogus will build one (1) onstream pond in the SWSW, Section 16 ("Pond"), located wholly on Bogus private property, which will be approximately 42 af in capacity and a surface area not to exceed 3 acres. The parties agree the following condition defining the season of use for the Commercial to Storage element should be included on any permit issued pursuant to application 65-23703:

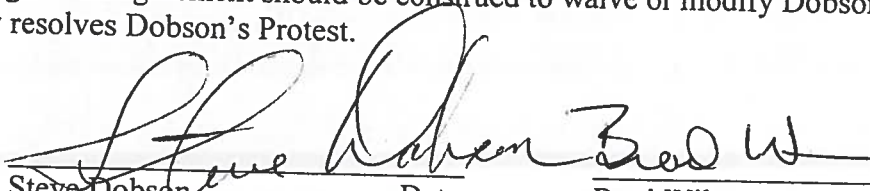
Water may be diverted into storage under this right from November 16 through March 14 each year. Further, from March 15 through May 31, water may be diverted into storage under this right only to the extent that the remaining flow in Bogus Creek at the point of diversion is not reduced below 2.0 cfs. No water may be diverted into storage under this right from June 1 through November 15 each year.

The parties also agree the following measurement requirement should be included as a condition(s) on any permit issued pursuant to application 65-23703:

Bogus shall record the volume of water diverted from the Pond using a totalizing flowmeter on a monthly basis and shall record the starting and ending Pond level for the same period, and report quarterly to Dobson with a copy to the Idaho Department of Water Resources for the first five (5) years that storage occurs under this right. Thereafter, Bogus will continue measuring and maintaining records for inspection by the Department.

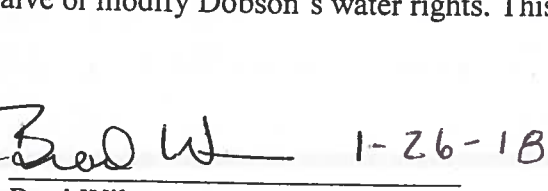
The terms of the season of use and measurement requirements have been agreed to by Bogus and Dobson in resolution of the Protest, and shall be included by the Idaho Department of Water Resources in any subsequently issued permit and/or license.

Nothing in this agreement should be construed to waive or modify Dobson's water rights. This agreement hereby resolves Dobson's Protest.


Steve Dobson

Date

Dobson Livestock, LLC 1-25-18


Brad Wilson

Date

Bogus Basin Recreational Assn, Inc.