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DEPARTMENT OF
WATER RESOURCES

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Attorneys for the Idaho Department of Fish and Game

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 74-16059 IN THE
NAME OF JEREL G. HAGEN

STIPULATION AND JOINT
MOTION TO APPROVE
CONDITIONS

Applicant Jerel G. Hagen (“Applicant”) and protestant Idaho Department of Fish and Game (“Protestant”) by and through their undersigned counsel of record and/or representatives, and pursuant to IDAPA 37.01.01.204, .260, .557 and .612, hereby stipulate to a settlement of the protests in the above-entitled matter, the terms and conditions of which are set forth herein.

The parties agree that the following conditions (“Conditions”) should be included in any

approvals of Applications for Permit No. 74-16059 ("Application"):

1. The right holder shall limit the diversion of water under this right to those times when rights 74-401B, 74-402B, 74-403B, and 74-1048B are completely unavailable for use.
2. If water rights 74-401B, 74-402B, 74-403B, and 74-1048B are abandoned, forfeited, sold, transferred, leased, or used on any other place of use, right 74-16059 shall not be used.
3. This right does not authorize the irrigation of land not previously irrigated.

The parties move the Department, pursuant to IDAPA 37.01.01.557, .612 for an order ("Order") approving the Conditions set forth herein and confirming that they will be included by the Department in any approval of the Application.

Protestant's protest to the Application shall be deemed withdrawn upon the issuance of a Final Order stating that the Conditions are approved and shall be made a part of the Application's approval. Provided that the Application is not subsequently amended from its current form except as may be required by the Department to continue processing, the withdrawal of Protestant's protest shall be with prejudice.

The parties respectfully request the entry of a Final Order approving the stipulated settlement set forth herein including the Conditions; each party to bear its own costs, expenses, and attorney's fees.

DATED this 15th day of February, 2017.



ANN Y. VONDE
Deputy Attorney General

DATED: February 14, 2017



Jerel G. Hagen

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2017, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

Idaho Department of Water Resources
Attn: Pam Skaggs
P.O. Box 83720
Boise ID 83720-0098

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

Jerel G. Hagen
P.O. Box 32
Tendoy ID 83468-0036

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

By:


Ann Y. Vonde
Deputy Attorney General