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DEPARTMENT OF
WATER RESOURCES

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*Counsel for Protestant Idaho Water Resource
Board*

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 74-16042 IN THE
NAME OF GARY AND JOAN JENSON

STIPULATION AND JOINT
MOTION TO APPROVE
CONDITIONS

Applicants Gary and Joan Jenson ("Jensons") and protestant Idaho Water Resource Board ("IWRB"), pursuant to IDAPA 37.01.01.204, .260, .557 and .612, hereby stipulate to a settlement of IWRB's protest 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 approval of Application for Permit No. 74-16042:

STIPULATION AND JOINT MOTION TO APPROVE CONDITIONS - 1

Condition No. 1. The right holder shall not divert water pursuant to this right when the Idaho Water Resource Board is relying on water from other water rights, such as but not limited to water transaction agreements or rentals from the water supply bank, to fill minimum stream flow water right no. 74-14993.

Condition No. 2: Water shall not be diverted under this right when flows in the Lemhi River are below established minimum flow amounts.

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

IWRB's protest to the Application shall be deemed withdrawn upon the issuance of a final Order stating that the Conditions are approved and shall be made a part of approval of the Application. 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 IWRB's protest shall be with prejudice.

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

For the IDAHO WATER RESOURCE BOARD



ANN Y. VONDE
Deputy Attorney General

Date: 1/23/17

Gary Jensen

Gary and Joan Jensen
Applicants

Joan Jensen

10/24/2016

Date:

10/24/2016

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2017, a true and correct copy of the foregoing was filed and/or served upon the following individual(s) by the means indicated:

Pam Skaggs Idaho Department of Water Resources P.O. Box 83720 Boise ID 83720-0098	☒ U.S. Mail, postage prepaid ☐ Express Mail ☐ Hand Delivery ☒ Email: <u>pam.skaggs@idwr.idaho.gov</u>
Gary and Joan Jenson 55 Three Mile Ln. Salmon ID 83467	☒ U.S. Mail, postage prepaid ☐ Express Mail ☐ Hand Delivery ☐ Facsimile ☒ email: <u>gjenson@centurytel.net</u>

By: 
Ann Y. Vonde
Deputy Attorney General

Skaggs, Pam

From: Vonde, Ann <ann.vonde@ag.idaho.gov>
Sent: Tuesday, January 24, 2017 2:18 PM
To: Skaggs, Pam; gjenson@centurytel.net
Subject: Water Right Application 74-16042
Attachments: 74-16042 FINAL Stipulation.pdf

Hello,

The Board approved the settlement today and gave me permission to sign it. Attached is the signed and completed document. I will also serve you copies via snail mail.

Thank you,

Ann Vonde
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