

ORIGINAL

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RECEIVED
APR 18 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
APR 14 2022
DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 2-10633

In the name of Theresa Pollard

**STIPULATION FOR WITHDRAWAL OF
PROTEST**

COMES NOW, Idaho Power Company (the "Company") and Theresa Pollard ("Applicant"), collectively "Parties" and hereby stipulate and agree to the withdrawal of the Company's protest filed on the above referenced Application for Permit upon the following condition:

1. This right is for the use of trust water, and it is subject to review five (5) years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
2. When the minimum stream flow water rights in the Snake River at the Murphy

Gage are not being satisfied, and when notified by the Idaho Department of Water Resources, the Applicant shall cease diverting water for the consumptive uses authorized by this right unless mitigation is provided. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31 consistent with IDAPA 37.03.08.030.

3. The use of trust water under this right shall be administered as consumptive to the source unless the right holder provides evidence to the contrary to the satisfaction of the Department of Water Resources.
4. Domestic use under this right when combined with any other domestic use shall not exceed 13,000 gallons per day and ½ acre of irrigation.

The parties agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving legal disputes, including pending administrative litigation, by compromise and settlement and that nothing herein shall be construed as precedent in any other proceeding or context.

DATED this 12 of April, 2022.

Theresa Pollard, Applicant

Idaho Power Company



John K. Simpson

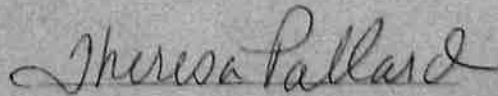
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DATED this 12 of April, 2022.

Theresa Pollard, Applicant



Idaho Power Company



John K. Simpson

CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of April, 2022, I served the original of the foregoing **STIPULATION FOR WITHDRAWAL OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street
Boise, Idaho 83702-7374

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

Theresa Pollard
4732 River Road
Buhl, Idaho 83316-5103

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

/s/ John K. Simpson
John K. Simpson