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RECEIVED

JUL 21 2021

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

John K. Simpson, ISB No. 4242
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83702
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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR
PERMIT NOS. 37-23112 and 37-23113

**STIPULATION FOR WITHDRAWAL OF
PROTEST**

In the name of USDA Forest Service

COMES NOW, Idaho Power Company (the "Company") and the United States of America acting through USDA Forest Service, ("Applicant"), collectively "Parties" and hereby stipulate and agree to the withdrawal of the Company's protest filed on the above referenced Applications for Permit upon the following conditions:

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 Idaho Department of Water Resources, the Applicant shall cease diverting water for the consumptive uses authorized by this right. 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. That where applicable, the Applicant comply with the moratorium conditions in place for the Wood River Basin and Eastern Snake Plain.

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 21ST day of July, 2021.

Kathryn Conant
Director of Lands and Minerals
USDA Forest Service



Idaho Power Company



CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July, 2021, 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
☐ Overnight Mail
☐ Facsimile
☐ Email


John K. Simpson

Skinner, Corey

From: Jessica Witt <jlw@idahowaters.com>
Sent: Wednesday, July 21, 2021 11:56 AM
To: Skinner, Corey
Cc: John Simpson
Subject: RE: Application for Permit Nos. 37-23112 and 37-23113, in the name of the USDA Forest Service
Attachments: 2032_001.pdf

Dear Corey,

Please find attached *Stipulation* with John's signature. Please let us know if you need anything further.

Sincerely,
Jessica

Jessica L. Witt
Legal Assistant to John K. Simpson
Barker Rosholt & Simpson LLP
1010 W. Jefferson, Suite 102
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Boise, Idaho 83701-2139
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From: Jessica Witt
Sent: Tuesday, July 20, 2021 4:12 PM
To: corey.skinner@idwr.idaho.gov
Cc: John Simpson <jks@idahowaters.com>; 'SPugrud2@idahopower.com' <SPugrud2@idahopower.com>
Subject: Application for Permit Nos. 37-23112 and 37-23113, in the name of the USDA Forest Service

Dear Corey,

Pursuant to our phone conversation a moment ago, please find attached *Stipulation for Withdrawal of Protest* executed by Idaho Power Company and the applicant. We anticipate that the prehearing scheduled for 10:00 a.m. tomorrow morning does not need to go forward. Please let us know if you have any questions or require anything further.

Sincerely,
Jessica

Jessica L. Witt
Legal Assistant to John K. Simpson
Barker Rosholt & Simpson LLP

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