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Attorneys for Idaho Power Company

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 01-7128

In the name of Idaho Power Company

**STIPULATION FOR WITHDRAWAL
OF PROTEST**

COMES NOW, Idaho Power Company (the "Company"), by and through its counsel, the law firm of Barker Rosholt & Simpson LLP, and, collectively "Parties" and hereby stipulate and agree as follows:

1. The parties understand and acknowledge that the Idaho Department of Water Resources' standard hydropower subordination provision is as follows:

"The rights for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit."

2. And that such provision recognizes and maintains the priority dates between hydropower water rights.
3. Notwithstanding, the parties further acknowledge that the history and development of American Falls dam and power plant presents a unique set of circumstances associated with the power project at American Falls and the litigation in the Snake River Basin Adjudication.
4. Based upon the unique circumstances at American Falls, the applicant and protestants hereby stipulate and agree that the Department should condition permit no. 01-7128 in a manner consistent with American Falls water right no. 01-10532 decreed by stipulation in the Snake River Basin Adjudication by including the following hydropower subordination condition:

“The rights for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho with a priority date later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.”
5. This stipulation shall apply solely to water right no. 01-7128 and neither this stipulation nor the inclusion of the above subordination provision in water right no. 01-7128 shall set a precedent for the subordination of any other subsequent, or current, hydropower water right.

DATED this 31st day of March, 2021.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorney for Idaho Power Company

DATED this 24TH day of March, 2021.



Michael C. Orr
Attorney for State of Idaho

DATED this ____ day of March, 2021.

Matthew C. Watts
Attorney for U.S. Bureau of Reclamation

DATED this ____ day of March, 2021.

T.J. Budge
Attorney for Idaho Ground Water Appropriators

DATED this ____ day of March, 2021.

Jerry R. Rigby
Attorney for Fremont Madison Irrigation District, Egin Bench Canal, Inc., Peoples Canal and Irrigation Co., East Teton Canal Company, New Sweden Irrigation District, Burgess Canal and New Lavaside Ditch Company

DATED this ____ day of March, 2021.

Michael C. Orr
Attorney for State of Idaho

DATED this 24th day of March, 2021.



Matthew C. Watts
Attorney for U.S. Bureau of Reclamation

DATED this 19th day of March, 2021.



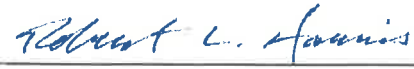
T.J. Budge
Attorney for Idaho Ground Water Appropriators

DATED this 19th day of March, 2021.



Jerry R. Rigby
Attorney for Fremont Madison Irrigation District, Egin Bench Canal, Inc., Peoples Canal and Irrigation Co., East Teton Canal Company, New Sweden Irrigation District, Burgess Canal and New Lavaside Ditch Company

DATED this 19th day of March, 2021.

A handwritten signature in blue ink, reading "Robert L. Harris", is positioned above a horizontal line.

Robert L. Harris

Attorney for Progressive Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March 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:

Original to:

James Cefalo
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

☐ U.S. Mail, postage prepaid
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Copies to the following:

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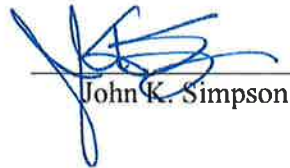
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