

ORIGINAL

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Attorney for Idaho Power Company

RECEIVED
MAY 09 2019
DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 81560

In the name of Frank Tiegs LLC

**NOTICE OF CONDITIONAL
WITHDRAWAL OF PROTEST**

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, Barker Rosholt and Simpson LLP, hereby files this *Notice of Conditional Withdrawal of Protest* to the above-numbered *Application for Transfer* filed by Frank Tiegs LLC (the "Applicant").

Protestant withdraws its protest on the condition that the Idaho Department of Water Resources ("IDWR") include the following standard language on any transfer issued in this matter:

This right is for the use of trust water, and it is subject to review 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.

When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder 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.

Further, this withdrawal is premised upon the IDWR review of the proposed transfer consistent with IDWR Transfer Processing Memorandum No. 24, dated December 21, 2009, or additional transfer policy guidance regarding historical beneficial use and enlargement.

The Protestant's protest in this matter shall be deemed withdrawn upon the issuance of an approved transfer that includes the conditions listed above.

DATED this 8th day of May, 2019.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2019, I served the original of the foregoing **NOTICE OF CONDITIONAL 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

Frank Tiegs LLC
P.O. Box 3350
Pasco, WA 99302

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Brockway Engineering
c/o Greg Sullivan
2016 North Washington Street, Ste. 4
Twin Falls, ID 83301

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email



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May 8, 2019

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**DEPARTMENT OF
WATER RESOURCES**

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street, Ste. 648
Boise, Idaho 83702-7371

Re: Application for Transfer No. 81560, in the name of Frank Tiegs LLC

Dear Clerk:

Enclosed for filing, please find one original and one copy of a *Notice of Conditional Withdrawal of Protest* in the above referenced matter in the above matter. Please return the copy with your file stamp in the enclosed postage prepaid envelope.

Please contact me if you have any questions. Thank you for your assistance.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Jessica L. Witt, Assistant to
John K. Simpson

/jlw
Enclosures