

ORIGINAL

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*Attorney for Idaho Power Company*

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JUL 26 2018

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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JUL 23 2018

DEPARTMENT OF  
WATER RESOURCES

Receipt # C105409

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 37-23112

In the name of United States of America  
USDA Forest Service

**NOTICE OF PROTEST**

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Notice of Protest* to the approval of the above-numbered *Application for Permit* filed by UNITED STATES OF AMERICA USDA FOREST SERVICE (the "Applicant").

The initial bases for the protest are as follows:

1. The source of water has been recognized as Trustwater by the State of Idaho as defined in IDAPA 37.03.08.031(a) and should reference conditions on the exercise of this right that it is Trustwater and subject to additional administrative review and conditions.
2. The Applicant has failed to demonstrate that the unappropriated water supply is sufficient for the diversion of water under this application.
3. Applicant's application conflicts with the requirements of Idaho Code § 42-203A(5).
4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 23<sup>rd</sup> of July, 2018.

**BARKER ROSHOLT & SIMPSON LLP**

  
\_\_\_\_\_  
John K. Simpson  
*Attorneys for Idaho Power Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of July, 2018, I served the original of the foregoing **NOTICE 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

United States of America  
USDA Forest Service  
370 American Avenue  
Jerome, Idaho 83338

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

Steve Spencer  
1805 Hwy 16 Rm 5  
Emmett, Idaho 83617

☒ U.S. Mail, Postage Prepaid  
\_\_\_\_ Hand Delivery  
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\_\_\_\_ Facsimile  
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\_\_\_\_\_  
John K. Simpson