

John K. Simpson, ISB #4242
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
Boise, Idaho 83702
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Idaho Power Company

RECEIVED

AUG 22 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
AUG 19 2014
DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 37-22876

In the name of Flying Heart Ranch II Subdivision
Owners Association

**IDAHO POWER COMPANY'S
NOTICE OF WITHDRAWAL OF
PROTEST**

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Withdrawal of Protest* to the approval of the above-numbered *Application for Permit* filed by the FLYING HEART RANCH II SUBDIVISION OWNERS ASSOCIATION (the "Applicants").

The Applicant and Protestant have resolved the outstanding protest by stipulating to the following language as a condition to the approval of the permit:

The source of the water diverted under this right is "Trust Water" which is identified in the 1984 Swan Falls Agreement and defined as surface and ground water tributary to the Snake River between Milner Dam and Swan Falls. Diversions under this right shall be subject to curtailment if such diversions would impact the established minimum stream flows of 3,900 cfs from April through October and 5,600 cfs from November through March at the Murphy gage. Further, this right shall be subject to review by the Director consistent with the terms limits imposed upon trust water rights issued by the State and arising out of the 1984 Swan Falls Agreement.

//

//

^{18th}
DATED this 13th day of August, 2014.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

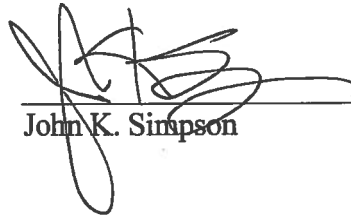
I hereby certify that on this ~~18~~¹³th day of August, 2014, I served the original of the foregoing **NOTICE OF WITHDRAWAL OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Dept of Water Resources
322 East Front Street
Boise, Idaho 83720

Via U.S. Mail

Flying Heart Ranch II Subdivision Owners
Association
P.O. Box 2163
Hailey, Idaho 83333

Via U.S. Mail



John K. Simpson