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RECEIVED
SEP 09 2011
DEPARTMENT OF
WATER RESOURCES

Attorneys for Preston-Whitney Irrigation Company

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF FRANKLIN**

**PRESTON-WHITNEY IRRIGATION
COMPANY, an Idaho Corporation**

Petitioners,

vs.

**GARY SPACKMAN, in his capacity as
Interim Director of the Idaho Department
of Water Resources, and THE IDAHO
DEPARTMENT OF WATER
RESOURCES,**

Respondents.

Case No. CV-2011-404

**NOTICE OF WITHDRAWAL OF
APPEAL AND PETITION FOR
JUDICIAL REVIEW OF FINAL
AGENCY ACTION**

**IN THE MATTER OF APPLICATION
FOR TRANSFER 75705 IN THE NAME
OF PRESTON-WHITNEY IRRIGATION
CO.**

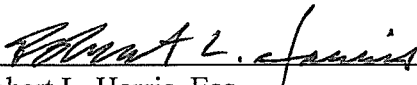
PRESTON-WHITNEY IRRIGATION COMPANY, (hereinafter "Preston-Whitney" or "Petitioner"), by and through their attorneys of record, HOLDEN, KIDWELL, HAHN & CRAPO, PLLC, hereby **WITHDRAWS** its previously filed *Notice of Appeal and Petition for Judicial Review of*

COPY

Final Agency Action filed on August 17, 2011. Preston-Whitney had determined that it can comply with the conditions of the *Final Order* which the petition sought judicial review of, and therefore, the appeal is unnecessary.

No other notices of appearance or cross-appeals have been filed, and the deadlines for the filing of such documents have now expired. Therefore, the matter is final, and no further action is necessary.

DATED this 7th day of September, 2011.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 7th day of September, 2011.

**DOCUMENT SERVED: WITHDRAWAL OF NOTICE OF APPEAL AND PETITION
FOR JUDICIAL REVIEW**

ORIGINAL TO:

Snake River Basin Adjudication
Fifth Judicial District Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707

(☒) *First Class Mail*

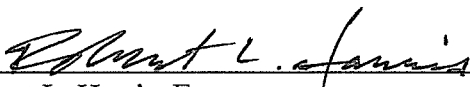
ATTORNEYS AND/OR INDIVIDUALS SERVED:

Idaho Department of Water Resources
Gary Spackman
Garrick Baxter
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

(☒) *First Class Mail*
() *Hand Delivery*
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(☒) *Email*

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