

ORIGINAL

John K. Simpson, ISB #4242
BARKER ROSHOLT & SIMPSON LLP
1010 Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
jks@idahowaters.com

Attorney for Idaho Power Company

RECEIVED

MAY 13 2019

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAY 16 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 36-17131

In the name of L & S Land Holdings 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 Permit* filed by L & S LAND HOLDINGS 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 application 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.

///

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

L & S Land Holdings LLC
2930 S 2300 E
Wendell, Idaho 83355

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

Greg Sullivan
Brockway Engineering
2016 North Washington St., Ste. 4
Twin Falls, Idaho 83301

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



John K. Simpson



Barker Rosholt
& Simpson LLP

John K. Simpson

EMAIL: jks@idahowaters.com

PHONE: 208.336.0700

WEB: idahowaters.com

Boise

1010 W. Jefferson St. Suite 102

Boise, Idaho 83702

p. 208.336.0700

f. 208.344.6034

Attorneys

John A. Rosholt

Albert P. Barker

John K. Simpson

Travis L. Thompson

Scott A. Magnuson

Jonas A. Reagan

Nicole L. Swafford

May 8, 2019

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

RECEIVED
MAY 13 2019
DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAY 16 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: *Application for Permit No. 36-17131, L & S Land Holdings 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