

ORIGINAL

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Attorney for Idaho Power Company

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SEP 04 2018

DEPARTMENT OF
WATER RESOURCES

Receipt #
C105589

RECEIVED

SEP 07 2018

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

NOTICE OF PROTEST

In the name of L & S Land Holdings LLC

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 L & S LAND HOLDINGS LLC (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 4th of September, 2018.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of September, 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

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

FOR OFFICE USE ONLY:

Fees paid: \$25.00 **Date:** 9/4/2018
Receipt No.: C105589 **By:** A.V. @ S.O.