



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



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APR 28 2014

Department of Water Resources
Eastern Region

In Reply Refer To:
7250 (933b)

April 23, 2014

James R. Cefalo, Water Resources Program Manager
Idaho Department of Water Resources (IDWR)
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Dear Mr. Cefalo:

RE: Withdrawal of Protest:
Application for Permit No. 34-14339 f/b Gordon Fulton

By this letter, I state that I have the authority to act on behalf of the United States Department of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

BLM's protest has been resolved by the Draft Permit prepared by IDWR that is dated April 21, 2014 which incorporates settlement provisions pursuant to several limiting conditions for licensing: (1) Fulton acquires authorization from the Federal Energy Regulatory Commission (FERC) to divert water across federal land and to generate power; (2) Fulton must maintain an instantaneous bypass flow of 0.20 cfs at all times past the point of diversion (POD) that is verifiable and measurable; (3) Fulton must cease diverting water if bypass flows fall below 0.20 cfs; and (4) issuance of a water right does not grant any right-of-way or easement across the lands of another.

Based on the limiting conditions described above, I hereby withdraw BLM's protest so that processing of the water permit application may proceed.

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If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3828 or at the address provided above.

Sincerely,



Gary A. Madenford
Water Rights Team Leader (ID-933b)

cc Gordon Fulton; 5907 N US Highway 93; Mackay, ID 83251-4404
Tyson K. Nelson, Deputy Attorney General; P.O. Box 83720; Boise, ID 83720-0010
Tom Bassista; Idaho Dept. Fish & Game, Upper Snake Region; 4279 Commerce Circle; Idaho Falls, ID 83401-1726
Cindy Robertson, Walt Poole; Idaho Dept. Fish & Game; P.O. Box 25, Boise, ID 83707-0025
Deena Teel, Supervisory Natural Resource Specialist; USDI-BLM; Upper Snake Field Office; 1405 Hollipark Drive; Idaho Falls, ID 83401-2100
Diane L. Weaver, District Ranger; Lost River Ranger District; P.O. Box 507; Mackay, ID 83251-0507