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APR 29 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION



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April 25, 2013

Allen D. Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

RE: L & S Land Holdings, LLC, Application for Water Right Permit No. 47-17575

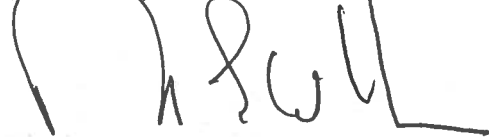
Dear Allen:

Enclosed please find an original letter signed by myself on behalf of the Applicant and John K. Simpson on behalf of Idaho Power Company which withdraws the protest filed by Idaho Power Company in the above-referenced matter. As you will note, the protest is dropped conditionally upon the inclusion of the language regarding the Swan Falls Settlement set forth in the enclosed letter.

It appears that because there are no other protests to the pending Application that IDWR is now in a position to issue the Permit in due course. Please let me know if I am incorrect as to this assumption.

Very truly yours,

WILLIAMS, MESERVY & LOTHSPICH, LLP



ROBERT E. WILLIAMS

REW/mmb

Encl.

C: Client

John K. Simpson

Brockway Engineering

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

April 24, 2013

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

Re: Permit Application for Water Right No. 47-17575
Resolution of Protest

Dear Mr. Merritt:

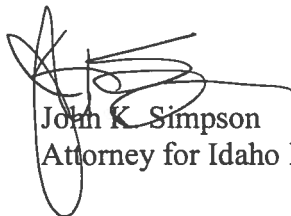
An application for Water Right Permit (47-17575) was filed with IDWR in 2011 by L & S Land Holdings, LLC. The permit was advertised in the Times-News Newspaper on April 5 and April 12, 2012. Only Idaho Power Co. protested the permit application. L & S Land Holdings, LLC and Idaho Power Co. have discussed the permit application and the protest; they have reached an agreement. Idaho Power Co. will withdraw their protest of the permit application if the following language is added as a condition to the water right permit.

The source of the water diverted under this right is "Trust Water", which is identified in the 1984 Swan Falls Settlement and defined as surface and groundwater 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.

Sincerely,



Robert E. Williams
Attorney for L&S Land Holdings, LLC



John K. Simpson
Attorney for Idaho Power Company