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Department of Water Resources
Eastern Region

Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for North Side Canal Company and Twin Falls Canal Company

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

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 22-13330 IN THE)
NAME OF C&B REECE, LLC)
_____)**

**NOTICE OF CONDITIONAL
WITHDRAWAL OF PROTEST**

COMES NOW, North Side Canal Company and Twin Falls Canal Company (hereinafter "Protestants"), by and through their attorneys of record, Barker, Rosholt & Simpson, LLP, and hereby submit this conditional withdraw of their protests to the above Application for Permit filed by C&B Reece, LLC ("Applicant").

During the Pre-Hearing Conference, held on October 17, 2011, the Applicant and Protestants reached a resolution of the Protests filed in this matter. Pursuant to that resolution, the parties agreed to the following limitations:

1. That the total irrigated acres would be limited to 1.2 acres within the identified place of use.
2. That the total diversion rate would be limited to 0.03 cfs, and one miner's inch (0.02 cfs) per acre.
3. That the water right would not be transferred from the place of use or point of diversion at any time, and would include the following remark:

This water right, or any portion thereof, shall not be transferred from its original place of use or point of diversion, both located in the NESE § 6, T6N, R45E, Teton County.

The withdrawal of this protest by the Protestants is done in consideration for the settlement reached between the Protestants and Applicant. Protestants reserve the right to challenge any permit and/or license issued in this matter that does not include the agreed upon elements, as described above. Furthermore, Protestants reserve the right to protest similar applications in the future.

Accordingly, the Protestants hereby withdraw their Protest of the above Application for Permit, contingent on the above settlement agreement being reflected in the final water right.

DATED this 1st day of November, 2011.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson
Paul L. Arrington

Attorneys for North Side Canal Company and Twin Falls Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2011, I served a true and correct copy of the foregoing *Notice of Conditional Withdrawal of Protest*, by depositing same in the United States mail, postage prepaid, addressed to the following:

Original: James Cefalo, Hearing Office
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83042

Copy: C&B Reece, LLC
290 W. 1200 N.
Felt, ID 83424



Paul L. Arrington

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Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson
Sarah W. Higer

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BARKER
ROSHOLT
&
SIMPSON
LLP

113 Main Avenue West, Suite 303
Post Office Box 485
Twin Falls, Idaho 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

1010 W. Jefferson St., Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

November 1, 2011

James Cefalo, Hearing Officer
Idaho Dept. of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83042

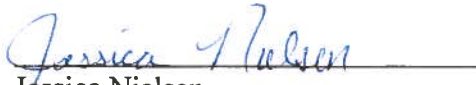
Re: *In the Matter of Application for Permit No. 22-13330
in the Name of C&B Reece, LLC*

Dear Mr. Cefalo,

Enclosed for filing, please find the original and a copy of *Notice of Conditional Withdrawal of Protest* regarding the above referenced matter.

Please conform the copy and mail it back to our office via the self address postage prepaid envelope.

Thank you,


Jessica Nielsen
Assistant for Paul L. Arrington

Enclosure
PLA/jn