

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



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

113 Main Avenue West, Suite 303
Twin Falls, ID 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Albert P. Barker
apb@idahowaters.com

August 5, 2011

Allen D. Merritt, PE
Regional Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3033

RECEIVED

AUG 08 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Water Right No. 37-20743 – Brian and Diane Smith

Dear Mr. Merritt:

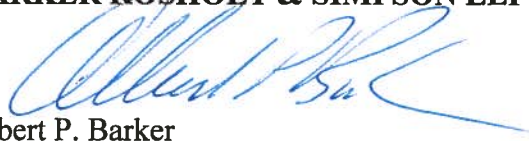
On behalf of the Wood River Valley Irrigation District, I am writing to advise you that Wood River Valley Irrigation District is willing to withdraw its protest against the application for a permit for water right No. 37-20743 for Brian and Diane Smith, based upon the permit terms and conditions contained in the attachment to your email of July 13, 2011.

In addition to the conditions contained in the draft permit, the Wood River Valley Irrigation District and the Smiths have agreed that the assessments for the water right shall be based upon the priority dates and quantities contained in their original rights which are used for mitigation, rather than this new right and that the Smith's water rights will be delivered by the Wood River Valley Irrigation District after the water is turned into the 45 Canal by the water master.

As set forth in prior communications, Wood River Valley Irrigation District requests that the Department require any applicant who wishes to perfect a new water right which is delivered by the 45 Canal or who wishes to transfer any water right into or out of the 45 Canal contact the District prior to the Department processing any such application. Thank you for your consideration of this request and for working with the parties to resolve this protest.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

APB/se

cc: Tim Graves, Craig Hobdey, Jim Speck, Wood River Valley Irrigation District