

AGREEMENT TO CONDITIONS OF APPROVAL FOR
ANTELOPE VALLEY RANCH LLC APPLICATION FOR PERMIT
AS TO RECREATIONAL POND AND WITHDRAWAL OF PROTEST

I, Tip Harwood, filed a letter of protest against Application No. 34-13838 dated July 6, 2004.

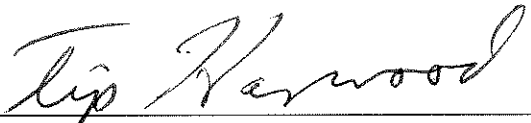
At a prehearing conference I agreed to the following conditions to the application:

1. That the pond size shall be limited to a surface area of 5 acres and that the water volume shall be limited to 50 acre feet.
2. That the pond and the retained waters within the pond shall not be used for irrigation purposes and that all waters flowing into the pond shall flow out of the pond to the creek bed and ultimately to Cherry Creek.
3. That prior to diversion of water under the right, the right holder, Antelope Valley Ranch LLC, shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Idaho Department of Water Resources as part of the diverting and outflow works.
4. The right holder, Antelope Valley Ranch LLC, shall comply with all directions and with all rules and regulations of the Idaho Fish & Game Department in regard to the stocking and "planting" of fish in the pond.
5. The right holder, Antelope Valley Ranch LLC, shall comply with all rules and regulations of the Dam Safety Section of the Idaho Department of Water Resources.

WITHDRAWAL OF LETTER OF PROTEST

I, Tip Harwood, based upon the agreement of the right holder and of the protestants to the above stated conditions, withdraw my letter of protest against the right holder's application. Said letter of protest is dated July 6, 2004.

Dated this 7th day of November, 2005.



TIP HARWOOD

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Department of Water Resources
Eastern Region