

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

RECEIVED
NOV 16 2005
Department of Water Resources
Eastern Region

I, Jenny Marie Smith, for and on behalf of myself and of the Antelope Group Protest, filed a letter of protest against Application No. 34-13838 dated June 21, 2004.

At a prehearing conference I, for myself and for the Antelope Group Protest, agreed to the following conditions to the application:

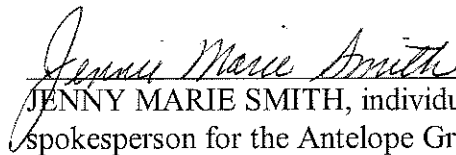
1. That the pond size shall be limited to a surface area of 5 acres and that the water volume shall be limited to 50 acre feet.
2. That the pond and the retained waters within the pond shall not be used for irrigation purposes and that all waters flowing into the pond shall flow out of the pond to the 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.

6. & 7. *attached*

WITHDRAWAL OF LETTER OF PROTEST

I, Jenny Marie Smith, for and on behalf of myself and of the Antelope Group Protest, based upon the agreement of the right holder and of the protestants to the above stated conditions, withdraw our letter of protest against the right holder's application. Said letter of protest is dated June 21, 2004.

Dated this 14 day of November, 2005.


JENNY MARIE SMITH, individually and as the
spokesperson for the Antelope Group Protest

6. The right holder, Antelope Valley Ranch LLC, shall fully line the five acre pond.
7. The right holder, Antelope Valley Ranch LLC, shall dry up designated six acres in Township 04N Range 24 E Section 5 NWSE