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Attorney for Idaho Power Company

RECEIVED
SEP 01 2023
DEPARTMENT OF
WATER RESOURCES

RECEIVED
SEP 07 2023
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. T88154,

In the name of L&S Holdings, LLC.

NOTICE OF PROTEST

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Notice of Protest* to the approval of the above-numbered *Application for Transfer* filed by L&S Holdings, (the "Applicant").

The initial bases for the protest are as follows:

1. The original and proposed points of diversion are within the area identified as "Trustwater Area" and the source of water has been recognized as Trustwater by the State of Idaho as defined in IDAPA 37.03.08.031(a) and mitigation may be required consistent with the ESPA Transfer Spreadsheet, listed as attachment number 5, in the Application for Transfer.

NOTICE OF PROTEST

2. The proposed application would deplete flows available to at least one of the Protestant's hydropower facilities, thereby injuring existing water rights, and therefore, mitigation is owed. Otherwise, the application should be denied.

3. The Department mistakenly applied the informal Department Transfer Memo by not requiring the applicant to run the ESPA Transfer Tool.

4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 1st of September, 2023.

MARTEN LAW LLP



John K. Simpson
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2023, I served the original of the foregoing **NOTICE OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Department of Water Resources
Idaho Water Center
322 East Front Street
Boise, Idaho 83702-7374

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Greg Sullivan
2016 North Washington St., Ste 4
Twin Falls, ID 83301

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☒ Email:
greg.sullivan@brockwayeng.com

L&S Holdings, LLC
2930 S 2300 E
Wendell, ID 83355

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email:


John K. Simpson

Received by K.M.
Receipt amt. \$25.00
Receipt No. C116990
Date 9-1-2023

NOTICE OF PROTEST