

Maline, Denise

From: Jessica L Witt <jwitt@martenlaw.com>
Sent: Tuesday, May 7, 2024 1:29 PM
To: IDWR File; Greg Sullivan
Cc: John K. Simpson
Subject: In the Matter of Application for Transfer No. T88154 and T88155, in the name of L&S Holdings, LLC
Attachments: Notice of Withdrawal of Protest - T88154 and T88155 L&S Holdings LLC 4892-4798-7900 version 1.pdf

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Dear Parties,

Attached for service and filing, please find Idaho Power Company's *Notice of Withdrawal of Protest* in the above referenced matter.

Sincerely,
Jessica

Jessica L. Witt
Contractor

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Boise, ID 83702



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RECEIVED

May 07, 2024

DEPARTMENT OF
WATER RESOURCES

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Boise, Idaho 83707
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spugrud2@idahopower.com

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Attorneys for Idaho Power Company

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. T88154 AND T88155,

In the name of L&S Holdings, LLC.

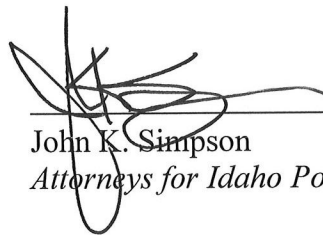
**NOTICE OF WITHDRAWAL OF
PROTEST**

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, Marten Law LLP, hereby withdraws the protest to transfer nos. 88154 and 88155 following the first settlement conference with the Applicant and Department based upon statements from the Department staff that the informal adjacent cell exception to the modeling requirements in the Department's internal transfer memo would not apply in the current situation and the Department will further analyze the applications based upon language in the memo stating: "If the application for transfer proposes to move or add a point of diversion within or adjacent to the model cell for the existing point(s) of diversion, the attachment described above is not required

when the application is submitted. However, if the department determines that the proposed change may significantly increase depletions to a hydraulically-connected reach of the Snake River (including tributary springs), the attachment will be required to complete processing of the application for transfer.” These statements reflect one of the shortcomings of the internal transfer memo in protecting existing water rights from injury and the failure of said memo in considering the benefits of trustwater to the Protestant and the citizens of the State.

DATED this 7th day of May, 2024.

MARTEN LAW LLP



John K. Simpson

Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2024, I served the original of the foregoing **NOTICE OF WITHDRAWAL 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
file@idwr.idaho.gov

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

Greg Sullivan
2016 North Washington St., Ste 4
Twin Falls, ID 83301
greg.sullivan@brockwayeng.com

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

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