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RECEIVED

AUG 13 2021

Department of Water Resources
Eastern Region

Attorneys for American Falls Farm LLC and MPH Farms LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER
APPROVAL NO. 81333 IN THE NAME OF
MPH FARMS

**PROTEST AND PETITION FOR
HEARING**

American Falls Farm LLC and MPH Farms LLC, by and through their attorney of record, Robert L. Harris of Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby files this *Protest and Petition for Hearing* regarding the Idaho Department of Water Resources' ("IDWR" or "Department") issuance of a *Preliminary Order Rescinding Transfer* concerning Transfer No. 81333 dated August 3, 2021 (the "Preliminary Order"). This Petition is filed pursuant to Idaho Code § 42-1701A(3).

We request that IDWR schedule a prehearing conference to discuss the matter, further refine the issues, establish deadlines, and, if necessary, schedule the hearing accordingly. The hearing will allow for presentation of evidence that (among other evidence) the pivot system that allows for shutting off individual nozzles had malfunctioned on the single day the system was observed. As evidenced by these two recent photos, the system is currently functioning properly:



American Falls Farm LLC and MPH Farms LLC reserve the right and intend to file a petition for reconsideration of the *Preliminary Order* as well.

DATED this 13th day of August, 2021.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2021, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: PROTEST AND PETITION FOR HEARING

ORIGINAL TO: James Cefalo
Hearing Officer, Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718
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