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*Attorneys for American Falls Reservoir
District #2 and Minidoka Irrigation District*

RECEIVED
NOV 05 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION
RECEIVED
NOV 08 2018
Department of Water Resources
Eastern Region

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER 82746)
(in the name of Idaho Water Company))
)
)
_____)

NOTICE OF JOINT PROTEST

A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, TWIN FALLS CANAL
COMPANY, AMERICAN FALLS RESERVOIR DISTRICT #2, AND MINIDOKA
IRRIGATION DISTRICT (hereinafter "Protestants"), by and through their attorneys of record,
BARKER ROSHOLT & SIMPSON LLP, and FLETCHER LAW OFFICE, hereby file this
Notice of Joint Protest to the approval of the above-numbered application for transfer filed by
the IDAHO WATER COMPANY ("Applicant"). The initial bases for the protests are as
follows:

*Receipt
S037027*

1. The Applicant has failed to provide sufficient evidence that the use is a non-consumptive use to the source: the Eastern Snake Plains Aquifer (“ESPA”) and would not violate the existing moratorium; and

2. The Applicant has failed to adequately demonstrate the transfer of a groundwater right from outside, to inside the ESPA, especially concerning water right 29-7006’s apparent long history of non-use, does not require mitigation; and

3. Approval of the transfer without adequate mitigation will result in injury to the Protestants’ water rights; and

4. The application violates the criteria of I.C. § 42-222; and

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

DATED this 5th day of November, 2018.

FLETCHER LAW OFFICE



W. Kent Fletcher

*Attorneys for American Falls Reservoir
District #2 & Minidoka Irrigation District*

BARKER ROSHOLT & SIMPSON LLP



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Canal Company*

CERTIFICATE OF SERVICE

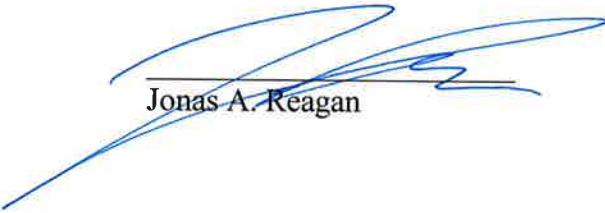
I hereby certify that on this 5th day of November, 2018, I served a true and correct copy of the foregoing NOTICE OF JOINT PROTEST;

By Hand-Delivery to the following:

Idaho Department of Water Resources
Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

And by United States Mail to:

Idaho Water Company
1135 Valley Road South
Eden, ID 83325


Jonas A. Reagan

FOR OFFICE USE ONLY

Fee: \$50.00

Receipt No. S037027

Date Received: 11/5/2018

Receipt by: 