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*Attorneys for Milner Irrigation District and  
Twin Falls Canal Company*

RECEIVED

MAY 21 2018

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. 81943

**NOTICE OF PROTEST**

In the name of Double Eagle Properties LLLP

MILNER IRRIGATION DISTRICT and TWIN FALLS CANAL COMPANY (the  
“Protestants”), by and through their attorneys of record, hereby file this *Notice of Protest* to the  
approval of the above-numbered *Application for Transfer* filed by DOUBLE EAGLE  
PROPERTIES LLLP (the “Applicant”).

The initial bases for the protest are as follows:

1. The Applicant has failed to provide sufficient evidence about the impacts of the proposed transfer on existing water rights and ground water levels in the area.
2. The Applicant has failed to provide sufficient evidence about the changed place of use and how water provided or wheeled through the Protestants’ canal systems will be used.
3. The Applicant has failed to provide sufficient evidence about the place of use and how water provided by the Protestants will be separated and not co-mingled and used on unauthorized lands.

4. Approval of the transfer without adequate mitigation will result in injury to the Protestants' senior water rights.

5. The application fails to provide sufficient information about the history of water use under the rights subject to the transfer application.

6. The application violates the criteria of I.C. § 42-222(1).

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

DATED this 21<sup>st</sup> day of May, 2018.

**BARKER ROSHOLT & SIMPSON LLP**

  
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Travis L. Thompson

*Attorneys for Milner Irrigation District and Twin Falls Canal Company*

## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of May, 2018, I served a copy of the foregoing NOTICE  
OF PROTEST, by hand-delivery to the following:

Idaho Department of Water Resources  
Southern Region  
6 550 Addison Ave. West, Suite 500  
Twin Falls, ID 83301

And by U.S. Mail to:

Double Eagle Properties LLLP  
3173 N 4900 E  
Murtaugh, ID 83344-5359

Brockway Engineering PLLC  
2016 Washington St. N, #4  
Twin Falls, ID 83301

  
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Travis L. Thompson

### **FOR OFFICE USE ONLY:**

Fees paid: \$25.00      Date: 5/21/2018  
Receipt No.: S036756      By: 