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JAN 06 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGION  
RECEIVED

JAN 09 2017

Department of Water Resources  
Eastern Region

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

IN THE APPLICATION FOR TRANSFER  
OF WATER RIGHT NO. T81337

In the names of MPH Farms, LLC

**NOTICE OF PROTEST**

A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2,  
BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA  
IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY and TWIN FALLS CANAL  
COMPANY (the "Coalition" or "Protestants"), by and through their attorneys of record, file this  
*Notice of Protest* to the approval of the above-numbered *Application for Transfer of Water Rights*  
filed by MPH FARMS, LLC (the "Applicant").

As to the present application, the initial bases for protest are as follows:

1. Protestants have been advised that, following this transfer, the Applicant intends to  
irrigate this land with shares of the Aberdeen Springfield Canal Company ("ASCC"). It is unclear  
from the Application or water right backfiles whether these groundwater rights were originally  
developed as supplemental groundwater rights for use in association with the ASCC shares. If they

were developed as supplemental, then approval of this transfer will result in an expansion of water use.

2. The Applicant has failed to demonstrate that the use of ASCC shares will not result in an expansion of existing water rights.

3. The Application has failed to demonstrate that the transfer will not injure existing water rights and has failed to provide any proposed mitigation to offset impacts resulting from the transfer.

4. The Applicant has failed to show that the Application meets the criteria required by Idaho Code §§ 42-222.

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

DATED this 6<sup>th</sup> day of January, 2017.

**FLETCHER LAW OFFICE**



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Canal Company*

## CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of January, 2017, I served a copy of the foregoing  
NOTICE OF 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 U.S. Mail to:

MPH Farms, LLC  
2935 W. 2050 S.  
Aberdeen, ID 83210

  
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Paul L. Arrington

### FOR OFFICE USE ONLY

Fee: \$175.00

Receipt No.: S035870

Date Received: 1/6/2017

By: 