

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
Sarah W. Higer, ISB #8012
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

*Attorneys for A&B Irrigation District,
Burley Irrigation District, Milner Irrigation District,
North Side Canal Company and Twin Falls Canal Company*

RECEIVED

DEC 06 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

DEC 08 2010

Department of Water Resources
Eastern Region

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 76779) **NOTICE OF JOINT PROTEST**
(in the name of the City of Pocatello))
)
)

A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, and TWIN FALLS CANAL
COMPANY (hereinafter "Protestants"), by and through their attorneys of record, hereby file this
Notice of Joint Protest to the approval of the above-numbered application for transfer filed by
the City of Pocatello ("Applicant"). The initial bases for the protests are as follows:

1. The Applicant has failed to provide sufficient evidence regarding the effects of
the proposed transfer and whether or not it will result in an enlargement of the water rights.
2. The Applicant has failed to provide sufficient evidence regarding the effects of
the proposed transfer and whether or not it will result in injury to the Protestants' water rights.

NOTICE OF JOINT PROTEST

FOR OFFICE USE ONLY

Fee: ~~\$25.00~~ 125.00

Receipt No. 5031711

Receipt by: irreder

Date Received: 12/16/10

3. The application fails to set forth sufficient information regarding the history of water use under water rights proposed to be transferred.

4. The application fails to set forth sufficient information regarding the proposal to “reuse return flows . . . of the Acquired Storage Water Rights to extinction”, along with the legal and factual basis for diverting additional water “by exchange” or using the treated effluent “for mitigation use”. See Transfer Application Attch. 9 at 8-9.

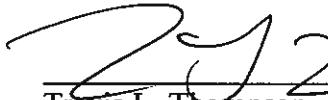
5. The application fails to set forth sufficient information and analyses required under IDWR’s *Transfer Processing Memo. No. 24* (dated December 21, 2009).

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 10th day of December, 2010.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, Twin
Falls Canal Company and North Side Canal
Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2010, I served a true and correct copy of the foregoing *Notice of Joint Protest*, by depositing same in the United States mail, postage prepaid, addressed to the following:

A. Dean Tranmer
c/o City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83204

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, Idaho 83702


Travis L. Thompson