



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 06, 2004

LAPREAL HINKLEY
685 N 3837 E
RIGBY ID 83442

Application to Permit No. 25-14005

Dear Applicant(s):

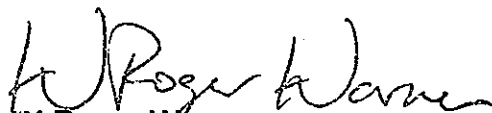
Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,


W Roger Warner
Water Rights Supervisor

CC: State Office

WRW:sc



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KARL J. DREHER
Director

January 06, 2004

BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

Application to Permit No. 25-14005 and 25-14020

Dear Protestant(s):

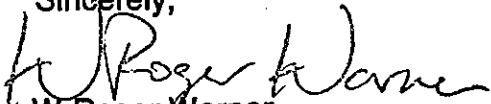
The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

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Sincerely,


W Roger Warner
Water Rights Supervisor

CC: State Office

WRW:sc

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RECEIVED

JAN 05 2004

WATER RESOURCES
WESTERN REGION

John A. Rosholt
 John K. Simpson
 Amy D. Chestnut
 BARKER ROSHOLT & SIMPSON LLP
 205 North 10th Street, Suite 520
 P.O. Box 2139
 Boise, Idaho 83701-2139
 Telephone: (208) 336-0700
 Fax: (208) 344-6034
 ISB #1037, 4242, 5904

BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN THE MATTER OF)
 APPLICATION FOR PERMIT)
 NUMBER 25-14005 in the name of)
 LA PREAL HINCKLEY)

NOTICE OF PROTEST

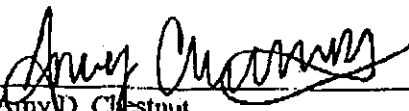
TWIN FALLS CANAL COMPANY and NORTH SIDE CANAL COMPANY (hereinafter the "Canal Companies"), by and through their attorneys, Barker Rosholt & Simpson, file this Notice of Protest to the approval of the above-numbered Application for Permit filed by La Preal Hinckley. The basis for the Canal Companies' protest is as follows:

1. This application violates the *Amended Moratorium Order, In the Matter of Applications for Permit for the Diversion and Use of Surface and Ground Water within the Eastern Snake River Plain Area and Boise River Drainage Area* (April 30, 1993) ("Moratorium Order"). The applicant has not provided a mitigation plan as required of applications for permit pursuant to this Moratorium Order;

2. The proposed application may result in injury to the Canal Companies in that depletion will occur in the reach of the Snake River from Roberts to Shelley;
3. The application violates the criteria of I.C. §42-203A(5); and,
4. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 5th day of January 2004.

BARKER ROSSHOLT & SIMPSON

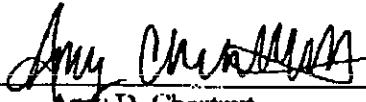
By: 
Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of January 2004, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline
Idaho Falls, ID 83401-3653
(original with filing fee filed in IDWR Western office)

La Preal Hinckley
685 North 3837 East
Rigby, Idaho 83442



Amy D. Chestnut