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APR 30 2010

DEPARTMENT OF
WATER RESOURCES

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Fee: \$25.00

Receipt No. CO 90664

Receipt by: SF

Date Received: 4/30/10

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 76355)
(in the name of Larry Stone))
_____) **NOTICE OF PROTEST**

BUCKEYE FARMS (hereinafter "Protestant"), by and through their attorneys of record, BARKER ROSHOLT & SIMPSON LLP, hereby file this *Notice of Protest* to the approval of the above-numbered application for transfer filed by Larry Stone ("Applicant"). The initial bases for the protest are as follows:

1. The Application is confusing in that it states that the Applicant will dry up irrigated acreage for the irrigation season use, but fails to identify if there is a non-irrigation season diversion contemplated, and if so, what mitigation is being provided;
2. The Applicant has failed to provide sufficient evidence regarding the proposed mitigation related to this Application and Application 36-16828;

2. Approval of the transfer without adequate mitigation will result in injury to the Protestant's water rights and permits;

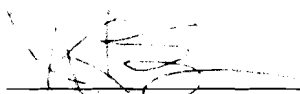
3. The application fails to set forth sufficient information regarding the history of water use under water right no. 36-3E;

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

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

DATED this 30th day of April, 2010.

BARKER ROSHOLT & SIMPSON LLP



JOHN K. SIMPSON

Attorneys for Buckeye Farms

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 2010, I served a true and correct copy of the foregoing *Notice of Protest*, by depositing same in the United States mail, postage prepaid, addressed to the following:

Richard Larry Stone
P.O. Box 1331
Sun Valley, Idaho 83353



John K. Simpson