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MAR 08 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

FOR OFFICE USE ONLY

Fee: \$25.00 $\times 4 = \$100.00$

Receipt No. 5031313

Receipt by: C. SKINNER

Date Received: 3/8/2010

RECEIVED

MAR 09 2010

Department of Water Resources
Eastern Region

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 35-14013)
(in the name of Chris Blake))
_____)

NOTICE OF JOINT PROTEST

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

1. The Applicant has failed to provide sufficient evidence to demonstrate that the
application is exempt from 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") and has not
provided a sufficient mitigation plan in the alternative; and

NOTICE OF PROTEST (application for permit no. 35-14013)

Receipt
#5031313

2. The Application is confusing in that it states that the Applicant will rely upon the Water District 01 Rental Pool to "fill" and "refill" the pond, yet the source of supply contemplated by the permit is ground water; and
3. Approval of the permit without adequate mitigation will result in injury to the Protestants' senior water rights;
4. The application violates the criteria of I.C. § 42-203A(5); and
5. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 9th day of March, 2010.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

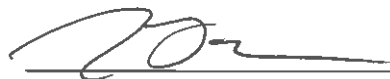
*Attorneys for A&B Irrigation District, Milner
Irrigation District, North Side Canal Company, and
Twin Falls Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 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:

Chris Blake
P.O. Box 50538
Idaho Falls, Idaho 83405

Rocky Mountain Environmental Assoc.
482 Constitution Way, Suite 303
Idaho Falls, Idaho 83402



Travis L. Thompson