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Department of Water Resources
Eastern Region

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 01-10565)
(in the name of County of Jefferson))
_____)

NOTICE OF JOINT PROTEST

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, BARKER ROSHOLT & SIMPSON LLP, hereby file this *Notice of Joint Protest* to the approval of the above-numbered application for permit filed by the County of Jefferson ("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*

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Receipt by: Joe

Date Received: 11-23-09

Plain Area and Boise River Drainage Area (April 30, 1993) (“Moratorium Order”) and has not provided a mitigation plan in the alternative; and

2. The Snake River is overappropriated, hence the Department is without authority to issue new consumptive use water rights such as the irrigation use sought by the Applicant.

Any additional consumptive use water rights that are appropriated, without mitigation, will further deplete the water supply in the basin, including the Snake River, and will injure existing water rights, including those held by the Protestants; and

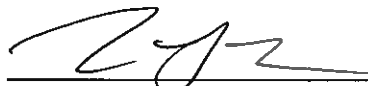
3. A 2009 water right to the Snake River is “insufficient” for purposes of irrigation and therefore violates I.C. 42-203A(5)(b); and

5. The application violates the criteria of I.C. § 42-203A(5); and

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

DATED this 23rd day of November 2009.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

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

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2009, 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:

County of Jefferson
P.O. Box 567
Rigby, Idaho 83442


Travis L. Thompson