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

RECEIVED
SEP 24 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION
Receipt # 5029744
\$125⁰⁰

RECEIVED
SEP 26 2007
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. 25-14199)
(in the name of Morningview Water Co. Inc.)
_____)

NOTICE OF JOINT PROTEST

A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, TWIN FALLS
CANAL COMPANY, NORTH SIDE CANAL COMPANY, and MILNER IRRIGATION
DISTRICT, (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 Morningview Water Co. Inc. ("Applicant"). The
initial basis for the protests are as follows:

1. The application will result in injury to the Protestants in that depletion will occur
to the reaches of the Snake River that supply the Protestants' water rights; and
2. 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 mitigation plan in the alternative; and

3. The Applicant has failed to present sufficient information justifying the need for the quantity of water sought; and

4. The application does not meet the definition of “domestic” purpose or use as set forth in Idaho Code § 42-111; and

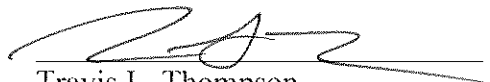
5. The Applicant has failed to provide sufficient evidence demonstrating compliance with I.C. § 67-6537; and

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

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

DATED this 24th day of September 2007.

BARKER ROSHOLT & SIMPSON LLP



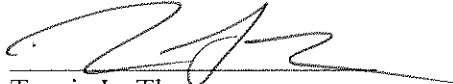
Travis L. Thompson

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

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September, 2007, 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:

Morningview Water Co. Inc.
462 12th St.
Idaho Falls, Idaho 83401


Travis L. Thompson