

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for Twin Falls Canal Company

RECEIVED
JUL 25 2007
Department of Water Resources
Eastern Region

RECEIVED
JUL 23 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Received By *JS*
Date: 7-23-07
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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 25-14198)
(in the name of BMT Investments))
)

)

NOTICE OF PROTEST

TWIN FALLS CANAL COMPANY (hereinafter "TFCC"), by and through its attorneys of record, BARKER ROSHOLT & SIMPSON LLP, hereby files this *Notice of Protest* to the approval of the above-numbered application for permit filed by BMT INVESTMENTS ("Applicant"). The initial basis for TFCC's protest is as follows:

1. The application will result in injury to TFCC in that depletion will occur to the tributary springs and reach gains that supply TFCC's 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 application does not meet the definition of “domestic” purpose or use as set forth in I.C. § 42-111; and
4. The application violates the criteria of I.C. § 42-203A(5); and
5. The Applicant has failed to provide sufficient evidence demonstrating compliance with I.C. § 67-6537.
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 July 2007.

BARKER ROSHOLT & SIMPSON LLP

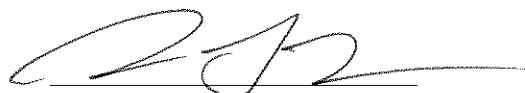

Travis L. Thompson

Attorneys for Twin Falls Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2007, 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:

BMT Investments
P.O. Box 3093
Idaho Falls, Idaho 83403


Travis L. Thompson