

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis*



Travis L. Thompson
tlt@idahowaters.com

113 Main Ave. W., Suite 303
Twin Falls, ID 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

March 23, 2005

VIA FACSIMILE & U.S. MAIL: (208) 525-7177

Mr. Roger Warner
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402

RECEIVED
MAR 24 2005
Department of Water Resources
Eastern Region

Re: Falls Water Co. Amended Application for Permit No. 25-14114

Dear Mr. Warner:

I recently received Kent Foster's March 15, 2005 letter regarding Falls Water's amended application for permit no. 25-14114. In his letter Mr. Foster suggested perhaps setting a hearing date for the matter. Although we have had preliminary discussions with Mr. Foster and Falls Water, we have yet to resolve our protest to the original application.

Please advise if the Department intends to publish notice of the amended application for permit. Since Falls Water's amendment is being filed after publication of notice of the original application, notice of the amendment must "be republished." I.C. § 42-211. Accordingly, Twin Falls Canal Company and North Side Canal Company intend to file a new protest consistent with the amendment notice deadline. To that end, new protestants may also become involved in the proceeding.

Regardless if any new parties are involved, my clients would request that the Department schedule a pre-hearing conference to discuss necessary issues with the application and to set a discovery schedule. In addition, we would also request that the Department appoint an independent hearing officer to preside over the contested case. Should this request be denied, my clients will reserve their right to disqualify any hearing officer as may be necessary by formal motion.

For your information, we will continue our efforts to resolve our protest with Falls Water so as to avoid proceeding with a formal hearing on this matter.

Mr. Roger Warner / IDW
March 23, 2005
Page - 2

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'T. L. Thompson', with a long horizontal flourish extending to the right.

Travis L. Thompson

cc: Kent Foster
Matt Howard / Gail McGarry
Ted Diehl, NSCC
Vince Alberdi, TFCC