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Attorneys for Twin Falls Canal Company and
North Side Canal Company

RECEIVED
OCT 25 2004
Department of Water Resources
Southern Region

RECEIVED
OCT 27 2004
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. 25-14114) **NOTICE OF PROTEST**
in the name of FALLS WATER)
COMPANY, INC.)
_____)

TWIN FALLS CANAL COMPANY and NORTH SIDE CANAL COMPANY
(hereinafter "Canal Companies"), by and through their attorneys of record, BARKER
ROSHOLT & SIMPSON LLP, hereby file this *Notice of Protest* to the approval of the above-
numbered application for permit filed by Falls Water Company, Inc. The initial basis for the
Canal Companies' protest is as follows:

1. The application will result in injury to the Canal Companies in that depletion will
occur to the reaches of the Snake River that supply the Canal Companies' 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*

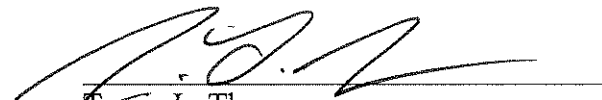
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Plain Area and Boise River Drainage Area (April 30, 1993)("Moratorium Order") and has not provided a mitigation plan in the alternative; and

3. The application violates the criteria of I.C. § 42-203A(5); and
4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 25th day of October 2004.

BARKER ROSHOLT & SIMPSON LLP

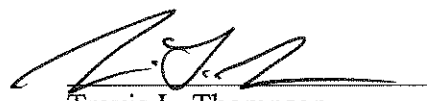

Travis L. Thompson

Attorneys for Twin Falls Canal Company and
North Side Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2004, 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:

Falls Water Company, Inc.
1770 Sabin Drive
Idaho Falls, Idaho 83406


Travis L. Thompson