

RECEIVED

MAY 23 2005

Department of Water Resources
Southern Region

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
Twin Falls, Idaho 83301-6167
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for Twin Falls Canal Company and North Side Canal Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 45-13412)
(in the name of City of Murtaugh)
_____)

NOTICE OF PROTEST

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 the City of Murtaugh. The initial basis for 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*

NOTICE OF PROTEST (application for permit no. 45-13412) receipt 5027695
5/23/2005 *th*

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

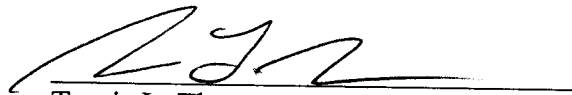
4. The Applicant has failed to provide sufficient information and documentation that would establish the city’s “reasonably anticipated future needs, the service area and the planning horizon are consistent” with the definitions and requirements of municipal providers set forth in Chapter Two, Title 42 of the Idaho Code.

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 May 2005.

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 23rd day of May, 2005, 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:

City of Murtaugh
P.O. Box 157
Murtaugh, Idaho 83344


Travis L. Thompson