

Sharla Cox - Eastern



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2004

JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139

RECEIVED

SEP 07 2004

Department of Water Resources
Eastern Region

RE: Protest of Application for Permit No. 1-10401

Dear Mr. Simpson:

On August 23, 2004, the Department of Water Resources received a notice of protest against Application for Permit No. 1-10401. The notice indicates that Twin Falls Canal Company, Burley Irrigation District, and Fremont Madison Irrigation District are protesting the application, and you and two other attorneys are listed on the notice. There is no indication which attorney represents whom. The Department received a single protest fee of \$25.00 in connection with the notice.

Because of the multiple names listed in the protest notice, the Department is not sure who is actually the protestant. The department cannot recognize three separate entities as parties to the contested case when only one protest fee was received. Please notify the Department within fourteen days which entity listed on the notice is the protestant. Your response should be directed to the Department's office in Idaho Falls.

If the other entities listed on the notice wish to join the contested case, they may petition to intervene in accordance with the Department's rules of procedure.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

CERTIFICATE OF SERVICE

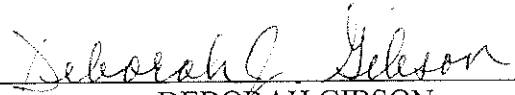
I hereby certify that on the 3rd day of September 2004, I mailed a true and correct copy, postage prepaid, of above letter of Protest of Application 1-10401 to the following:

John K Simpson, ISB #4242
Barker Rosholt & Simpson LLP
205 N 10th St Ste 520
PO Box 2139
Boise ID 83701-2139

Roger Ling, ISB #1018
Ling Robinson and Walker
615 H St
PO Box 396
Rupert ID 83350

Jerry R Rigby, ISB #2470
Rigby Thatcher Andrus Rigby & Moeller, Chartered
25 N 2nd E
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Bureau of Reclamation
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DEBORAH GIBSON
Administrative Assistant