

W. KENT FLETCHER
ATTORNEY AT LAW

FLETCHER LAW OFFICE
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January 24, 2005

VIA FACSIMILE - 208-525-7177 and REGULAR MAIL

State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RE: Big Lost River Irrigation District - Mickelsen Properties, LLC Protest

Enclosed is a Notice of Protest to be filed on behalf of Big Lost River Irrigation District. A check in the amount of \$25.00 representing the filing fee will be delivered by Merridy Hocking today.

Thank you for your attention to this matter.

Sincerely,

FLETCHER LAW OFFICE

Kent Fletcher

KF/brd

Enclosure

pc: Big Lost River Irrigation District w/enclosure

RECEIVED

~~JAN 25 2005~~

Department of Water Resources
Eastern Region

RECEIVED

JAN 24 2005

Department of Water Resources
Eastern Region

SC

RECEIVED 1/24/2005.

Receipt # E030547.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

1. Matter being protested: Application for Transfer No. 71254 in the name of Mickelsen Properties, LLC.
2. Name of protestant: Big Lost River Irrigation District
3. Protestant's representative for service: Kent Fletcher
4. Service mailing address: Fletcher Law Office, P.O. Box 248, Burley, Idaho 83318-0248
5. Service telephone number: 208-678-3250
6. Basis of protest: The Application requires transfer of water delivery from one canal to another canal operated by the Big Lost River Irrigation District and transportation through the Big Lost River Irrigation District delivery system. The Applicant has not received permission from the Big Lost River Irrigation District to transfer delivery from one canal to another canal, and has not entered into a transportation agreement with the Big Lost River Irrigation District. The transfer will reduce the quantity of water that can be delivered under existing water rights, violates the statutes, bylaws, rules, and regulations pertaining to the operation of the Big Lost River Irrigation District and other grounds for protest may be established at the time of hearing.
7. What would resolve your protest? Denial of the application and/or a requirement stated in any order granting the application that the transfer is subject to the approval and permission of the Board of Directors of the Big Lost River Irrigation District.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 24th day of January, 2005.

Big Lost River Irrigation District

Protestant

By

Kent Fletcher

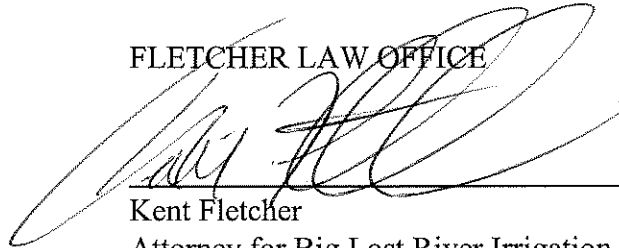
CERTIFICATE OF MAILING

I hereby certify that on the 24th day of January, 2005, I served a copy of the foregoing NOTICE OF PROTEST upon the following:

Mickelsen Properties, LLC
c/o Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
Idaho Falls, Idaho 83405

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to the above named person at the above address, their last known address.

FLETCHER LAW OFFICE

A large, stylized handwritten signature in black ink, appearing to read 'Kent Fletcher', is written over a horizontal line.

Kent Fletcher
Attorney for Big Lost River Irrigation District
P.O. Box 248
Burley, ID 83318-0248