

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

RECEIVED
OCT 18 2004
Department of Water Resources
Southern Region

RECEIVED
OCT 19 2004
Department of Water Resources
Eastern Region

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 71319) **NOTICE OF PROTEST**
in the name of DANNY and MARCENE)
FERGUSON (water right no. 25-7599))
_____)

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 transfer filed by Danny and Marcene Ferguson. The initial basis for
the Canal Companies' protest is as follows:

1. The application violates the criteria of I.C. § 42-222(1); and
2. The application fails to set forth sufficient information regarding the continued
use of appurtenant surface water rights and whether or not those surface water rights are also
being transferred to the proposed place of use.

Receipt # 5027121
MB
10/18/04

3. The application fails to set forth sufficient information regarding the history of water use under water right no. 25-7599, including information about water use at the subdivision (Cobblestone Acres) that is located on a portion of the place of use.

4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 18th day of October 2004.

BARKER ROSHOLT & SIMPSON LLP

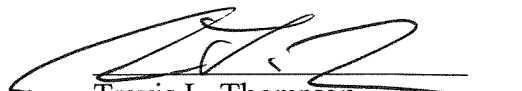

Travis L. Thompson

Attorneys for Twin Falls Canal Company and
North Side Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 18th 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:

Danny and Marcene Ferguson
4271 East County Line Road
Rigby, Idaho 83442


Travis L. Thompson