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WATER RESOURCES
WESTERN REGION

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Department of Water Resources
Eastern Region

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 1-10401 in the name of)
UNITED STATES OF AMERICA,)
BUREAU OF RECLAMATION)
_____)

NOTICE OF PROTEST

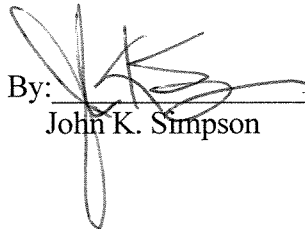
TWIN FALLS CANAL COMPANY, BURLEY IRRIGATION DISTRICT and
FREMONT MADISON IRRIGATION DISTRICT (hereinafter the "Irrigation Entities"), by and
through their attorneys file this Notice of Protest to the approval of the above-numbered Application

for Permit filed by the United States of America, Bureau of Reclamation. The basis for the Irrigation Entities protest is as follows:

1. This application is speculative and not filed in good faith since the applicant, the Bureau of Reclamation, is not the legal owner of the inactive storage space claimed for in this application and can not beneficially use this water;
2. The application violates the criteria of I.C. §42-203A(5);
3. The application asserts purposes of use for which authorization has not been granted; and
4. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 23rd day of August 2004.

BARKER ROSHOLT & SIMPSON LLP

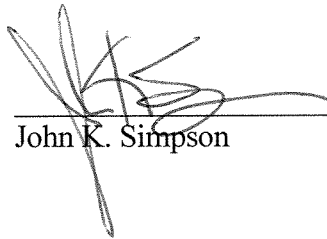
By: 
John K. Simpson

CERTIFICATE OF MAILING

I hereby certify that on this 23rd day of August 2004, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline
Idaho Falls, ID 83401-3653
(original with filing fee filed in IDWR Western office)

Bureau of Reclamation
1150 North Curtis Road, Ste 100
Boise, Idaho 83706



John K. Simpson