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WATER RESOURCES
WESTERN REGION

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Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NUMBER 25-14071 in the name of)
TIMBERVIEW PROPERTIES)

NOTICE OF PROTEST

TWIN FALLS CANAL COMPANY and NORTH SIDE CANAL COMPANY
(hereinafter the "Canal Companies"), by and through their attorneys, Barker Rosholt &
Simpson, file this Notice of Protest to the approval of the above-numbered Application for
Permit filed by Timberview Properties. The basis for the Canal Companies' protest is as
follows:

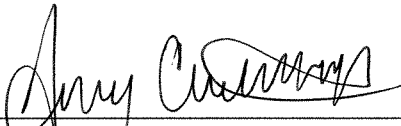
1. The proposed application will result in injury to the Canal Companies in that
depletion will occur in the reaches of the Snake River that supply the Canal Companies'
water rights; and,

Receipt
#W(1) 31935

2. The Applicant seeks a quantity of water that, in conjunction with existing permits, exceeds the diversion amount permitted by the Department of Water Resources' guidelines for multiple-home domestic use;
3. As a result, Applicant has not provided sufficient evidence to demonstrate that this 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 Plain Area and Boise River Drainage Area* (April 30, 1993)("Moratorium Order") and has not provided a mitigation plan in the alternative;
4. The application violates the criteria of I.C. §42-203A(5); and,
5. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 6th day of July 2004.

BARKER ROSHOLT & SIMPSON

By: 

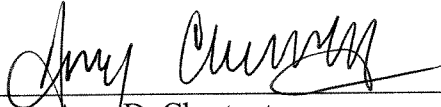
John K. Simpson
Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 6th day of July, 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)

Timberview Properties
165 North Woodruff Avenue
Idaho Falls, Idaho 83401



Amy D. Chestnut

DB #25- W031935 7-6-04