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*Attorneys for American Falls Reservoir
District #2 and Minidoka Irrigation District*

RECEIVED

JAN 22 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. T88699

In the name of Farmland Reserve, Inc.

NOTICE OF JOINT PROTEST

A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2,
BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY and TWIN FALLS CANAL
COMPANY (the "Coalition" or "Protestants"), by and through their attorneys of record, file this
Notice of Joint Protest to the approval of the above-numbered *Application for Transfer* filed by
FARMLAND RESERVE, INC. (the "Applicant").

The initial bases for protest are as follows:

1. The history and quantification of each water right's consumptive use is not clear
from the face of the application and accompanying materials. Without additional information it
appears the transfer could result in an unlawful enlargement of water right nos. 35-14240, 35-14655,
35-14241, 35-14242, and 35-14243.

2. The Applicant has failed to demonstrate that the transfer will not injure existing water rights and the provided mitigation plan utilizes an impermanent solution of rented water for mitigation purposes.

3. The Applicant has failed to show that the Application meets the criteria required by Idaho Code § 42-222.

4. For such other and further reasons as may be discovered.

DATED this 22nd day of January, 2024.

MARTEN LAW LLP



John K. Simpson
Travis L. Thompson
Abby R. Bitzenburg

*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company*

FLETCHER LAW OFFICE

/s/ W. Kent Fletcher

W. Kent Fletcher

*Attorney for American Falls Reservoir
District #2 & Minidoka Irrigation District*

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2024, I served a copy of the foregoing
NOTICE OF PROTEST, by hand-delivery to the following:

Idaho Department of Water Resources
Southern Region
650 Addison Ave W, Ste 500
Twin Falls, Idaho 83301-5858

And by U.S. Mail to:

FARMLAND RESERVE INC
79 S MAIN ST STE 1000
SALT LAKE CITY UT 84111-1945

Via Email to:

Rob Harris
rharris@holdenlegal.com

Greg Sullivan
Brockway Engineering PLLC
greg.sullivan@brockwayeng.com



Abby R. Bitzenburg

Receipted by DM
Receipt amt. \$50.00
Receipt No. S040061
Date 1-22-2024 

Idaho Department of Water Resources Receipt
Receipt ID: S040061

Payment Amount	\$50.00	Date Received	1/22/2024	Region	SOUTHERN
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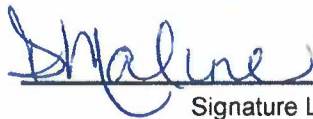
Payment Type	Charge Card
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Payer	MARTEN LAW LLP; TWIN FALLS OFFICE
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Comments	NOTICE OF PROTEST FILED ON BEHALF OF SURFACE WATER COALITION AGAINST TRANSFER 88699 IN THE NAME OF FARMLAND RESERVE INC. ORDERID: 61801280 LOCAL REFID: eYkeGspl4EOKrnuVEF20YA== TOTAL PAID: \$52.50(FEES: \$2.50) AUTH_CODE: 695018 REC DATE: 1/22/2024 04:39:49 PM MST
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Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	PROTESTS	64103	0229	21		1155



Signature Line (Department Representative)