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

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MAR 13 2023

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. T87498

In the name of Farmland Reserve, Inc.

NOTICE OF 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 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 the 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 no. 35-2391.
2. The Applicant has failed to demonstrate that the transfer will not injure existing

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water rights and has failed to provide any proposed mitigation to offset impacts resulting from the transfer, specifically the new impacts as to volume and timing to the Neeley to Minidoka reach of the Snake River.

3. The Application contains questions regarding the use of ESPAM 2.2, including the model cells modeled, and the combination of certain reaches for purpose of a mitigation analysis.

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

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

DATED this 13th day of March, 2023.

FLETCHER LAW OFFICE


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District #2 & Minidoka Irrigation District*

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FEES PAID: \$100.00 DATE: 3/13/2023
RECIPT NO.: S039700

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2023, 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 CTY UT 84111-1945

Via Email to:

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



Travis L. Thompson