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**RECEIVED**

**MAR 25 2013**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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

IN THE MATTER OF APPLICATION FOR  
PERMIT NO. 01-10609

In the name of the Idaho Water Resource Board

**NOTICE OF PROTEST**

A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2,  
BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, and TWIN FALLS  
CANAL COMPANY (the "Protestants"), by and through their attorneys of record, file this *Notice  
of Protest* to the approval of the above-numbered *Application for Permit* filed by the IDAHO  
WATER RESOURCE BOARD (the "Applicant").

The initial bases for the protest are as follows:

1. The Applicant has failed to demonstrate that there is an adequate water supply  
available to fill this water right.
2. The Application has failed to demonstrate that diversions under this right will not  
injure existing natural flow and storage water rights.
3. The Applicant has failed to properly identify the points of diversion associated with  
this proposed water right.

4. Diversions under this water right will interfere with the fill of reservoir space in the Upper Snake River Reservoir system.

5. The Applicant does not yet have permission to file the application for permit to divert and use water at the listed points of diversion and places of use.

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

DATED this 25<sup>th</sup> day of March, 2013.

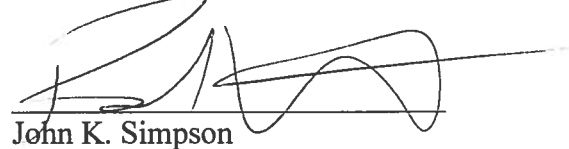
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and Twin Falls Canal Company*

## CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of March, 2013, I served a copy of the foregoing

NOTICE OF PROTEST, by hand-delivery to the following:

Idaho Department of Water Resources  
Southern Region  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301

And by U.S. Mail to:

Idaho Water Resource Board  
P.O. Box 83720  
Boise, Idaho 83720-0098



Paul L. Arrington

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