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WATER RESOURCES
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Attorneys for Protestant

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-02356A, 36-07210, AND 36-07427	**BLUE LAKES TROUT FARM, INC.'S PROTEST TO GROUND WATER DISTRICTS' PLAN FOR PROVIDING REPLACEMENT WATER**

Blue Lakes Trout Farm, Inc. ("Blue Lakes"), by and through its counsel, files this Protest to the Ground Water Districts' Plan For Providing Replacement Water ("Plan").

GROUNDS FOR PROTEST

Blue Lakes incorporates into this Protest the objections Blue Lakes stated in its Petition Requesting: Hearing on May 19, 2005 Order, Independent Hearing Officer and Discovery ("Blue Lakes' Petition") filed June 3, 2005 in the above-captioned matter. The mitigation prescribed by the Director in his May 19, 2005 Order, and offered by the Ground Water Districts' in their Plan is:

1. contrary to Blue Lakes' water rights, the Director's statutory duties to administer water rights, and Idaho law;

2. inadequate to mitigate Blue Lakes' water shortage and injury; and

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3. unacceptable to Blue Lakes.

Blue Lakes further incorporates into this Protest the grounds for protest stated in section III. C. (at pages 5-9) of Idaho Power Company's Protest to Ground Water District's Plan for Providing Replacement Water (Blue Lakes Delivery Call) ("IPCO's Protest") filed on June 3, 2005. The procedure provided by the Director's Order for review and approval of the Plan violates Blue Lakes' right to due process as provided and protected by the United States' Constitution, the Idaho Constitution, and the Idaho Administrative Procedure Act.

Blue Lakes reserves the right to state additional grounds for protesting the Director's Order and the Plan.

RELIEF REQUESTED

Blue Lakes requests that the Director rescind his Order, reject the Plan, and order the curtailment of all ESPA water rights that are subject to the Department's administrative jurisdiction that are junior to Blue Lakes' water right no. 36-07210, until there is a continuous flow of 197.06 cfs to Blue Lakes diversion. The only acceptable alternative to this course of action would be approval of a mitigation plan to which Blue Lakes has agreed.

Dated this 6th day of June, 2005.

RINGERT CLARK, CHARTERED

By: Daniel Steenson

Daniel V. Steenson
Ringert Clark Chartered
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2005, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

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Daniel Steenson

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