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DISTRICT COURT
FIFTH JUDICIAL DIST
JEROME COUNTY, IDAHO

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*Attorneys for Petitioners North Side Canal Company
and Twin Falls Canal Company*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME

NORTH SIDE CANAL COMPANY and
TWIN FALLS CANAL COMPANY,

Petitioners,

vs.

DAVID R. TUTHILL, JR., in his official
capacity as director of the Idaho Department of
Water Resources, and THE IDAHO
DEPARTMENT OF WATER RESOURCES,

Respondents.

CASE NO. CV 2007-1093

APPLICATION FOR
ALTERNATIVE WRIT OF
MANDATE

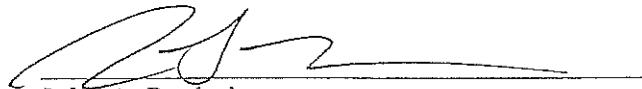
COME NOW, the Petitioners, NORTH SIDE CANAL COMPANY and TWIN FALLS
CANAL COMPANY, (hereinafter referred to as "Petitioners") by and through their attorneys of
record, Barker Rosholt & Simpson LLP, and hereby make application to the Court pursuant to
Rule 74(b) of the Idaho Rules of Civil Procedure for an Alternative Write of Mandate
compelling the Respondents to void the September 5, 2007, *Notice of Intent to Issue License* and

close all protest or comment period *In the Matter of Licensing Water Right Permit No. 01-7011 in the Name of Twin Falls Canal Company and North Side Canal Company*, and to issue the Petitioners a license for their water right permit no. 01-7011, pursuant to the beneficial use examination received by Respondents on November 1, 1993, and the conditions on the existing water right permit no. 01-7011 in compliance with Idaho Code § 42-219, and to appear before the Court at a time a place certain, and show cause, in any they have, why they have not complied with the terms of the Alternative Writ of Mandate.

This Application is supported by the *Petition for Peremptory Writ of Mandate*, setting forth the facts and grounds upon which the Application is based.

DATED THIS 26th day of September, 2007.

BARKER ROSHOLT & SIMPSON LLP



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Attorneys for North Side Canal Company and Twin Falls Canal Company