

Jerry R. Rigby, ISBN 2470
RIGBY, ANDRUS & RIGBY LAW, *PLLC*
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208-356-3633

Attorneys for David Z. Walter and Charlene B. Walters

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF PERMIT NO. 37-23100 IN)
THE NAME OF HEATH-MARSHALL, INC.) **WALTERS REQUEST FOR**
) **HEARING**
)
)
_____)

COMES NOW, Jerry R. Rigby of Rigby, Andrus & Rigby Law, PLLC, for and on behalf of David Z. Walters and Charlene B. Walters (hereinafter "Walters") and pursuant to Idaho Code, Section 42-1701A(3), hereby requests a hearing on that certain Preliminary Order sent by Permit holder and to Walters on March 5, 2018, for reasons including but not limited to the following facts to be presented at the hearing to be held on this matter:

1. IDWR split water permit 37-8856 into two parts for Walters and Anderson Asphalt Paving, Inc. (Hereinafter "Anderson").
2. Anderson was licensed for its portion of the permit based upon non-consumptive use.
3. Walters portion (37-23100) was voided under preliminary order.

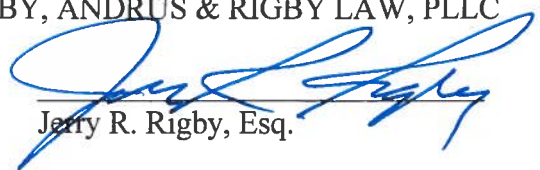
4. In IDWR's order, it stated that mitigation for consumptive use was not provided during the development period of the permit.
5. Walters had a mixture of non-consumptive and consumptive water use under the permit.
6. IDWR failed to apply similar treatment to Walters for its non consumptive use portion as was applied to Anderson's permit.
7. A non consumptive use right with the developed rate is very meaningful to Walters.
8. Walters contends that IDWR should treat both entities equally in issuing the licenses.

Walters intends to present testimony supporting its contention and respectfully requests that a hearing be held before IDWR's designated hearing officer in order to allow Walters additional evidence and claims to be fully presented.

Dated this 21st day of March, 2018.

RIGBY, ANDRUS & RIGBY LAW, PLLC

By:

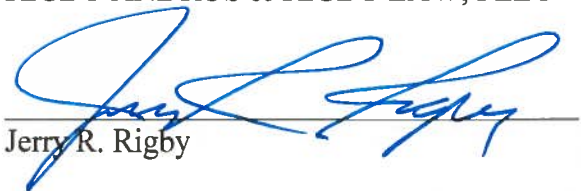

Jerry R. Rigby, Esq.

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 21st day of March, 2018.

RIGBY ANDRUS & RIGBY LAW, PLLC


Jerry R. Rigby

Director, Gary Spackman
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Kimi.White@idwr.idaho.gov

☐ Mail
☐ Hand Delivery
☐ Facsimile
☒ Electronic Mail

Heath Marshall, Inc.
P.O. Box 250
Pocatello, ID 83204-0250

☒ Mail
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

Larry Anderson
Anderson Asphalt Paving, Inc.
P.O. Box 759
Hailey, ID 83333

☒ Mail
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail