

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST AND PETITION FOR HEARING

RECEIVED

MAY 12 2017

Department of Water Resources
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested: Water Right License 22-13979
2. Name of protestant: City of Driggs, a political subdivision
3. Protestant's Representative for service (If different than protestant): Jerry R. Rigby
4. Service mailing address: P.O. Box 250, Rexburg, ID 83440
5. Service telephone no. 208-356-3633 Email Address: jrigby@rex-law.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Applicant's position is that the water right should not be subordinated as a backup to its spring source (condition #1 to the License as presently granted). Rather, it should be licensed as an additional water source developed and authorized for the city's municipal use.

Therefore, pursuant to I.C. 42-1701A(3) and other applicable rights of review granted to Applicant under Title 42 of the Idaho Code, Applicant hereby requests a hearing before the Director in order to allow Applicant the right to produce evidence of the independent development and source of the water right number 22-13979 and that removing the subordination language will not cause an invalid expansion of the water right.

At the hearing, Applicant will produce evidence and witnesses (expert and fact) sufficient to prove its right to have the subordination language removed.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest?

Remove the subordination language to the water right.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12th day of May, 2017.

Protestant

Hymen Eriksen, Rigby Andrus & Rigby

Protestant's Representative