

Jerry R. Rigby
of RIGBY, ANDRUS
& RIGBY, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

RECEIVED
NOV 08 2011
Department of Water Resources
Eastern Region

Attorneys for Kent Merrill and Diane Merrill

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

IN THE MATTER OF THE CHANGE)
OF OWNERSHIP OF WATER) **OBJECTION TO CHANGE IN**
RIGHT NOS.) **OWNERSHIP**
25-14358)
25-14359)

Comes now, Kent Merrill and Diane Merrill, hereinafter "Objectors", by and through their attorneys, Rigby, Andrus & Rigby, Chtd., pursuant to Idaho Code Section 42-1701A(3) hereby object to the granting of a change in ownership of a prorated amount of the water right number 25-14359 by the Department of Water Resources from Objectors to Craig Clement who owns parcel number RP007050010080 and water right number 25-14358 by the Department of Water Resources from Objectors to Cory Clement who owns parcel number RP007050010150 in Jefferson County Idaho (hereinafter "Clement").

Objectors' basis for their objection to the change in ownership is that although Objectors sold and deeded the said parcel of land to Clement, the parcel was sold to Clement without any water rights which were fully retained by Objectors.

Objectors intend to produce the necessary proof of their objection, both written and

verbal, at the hearing before a proper hearing officer of the Department of Water Resources. Prior to said hearing, Objectors intend to file a "Quiet Title" action against Clement in order to establish that Clement has no property rights in said water rights.

DATED this 8th day of November, 2011.


Jerry R. Rigby
of RIGBY, ANDRUS & RIGBY, Chtd.

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 8th day of November, 2011.

RIGBY ANDRUS & RIGBY, Chartered


Jerry R. Rigby

Idaho Department of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402

☒ [X] Mail
☐ [] Hand Delivery
☐ [] Facsimile

Cory Clement
3349 E. 200 N.
Rigby, ID 83442

☒ [X] Mail
☐ [] Hand Delivery
☐ [] Facsimile

Craig Clement
3917 E. 116 N.
Rigby, ID 83442

☒ [X] Mail
☐ [] Hand Delivery
☐ [] Facsimile