

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

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SEP 14 2009
Department of Water Resources
Eastern Region

Attorneys for Petitioners, Rusty Vest and Karen Vest

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 22-13689, 22-13690, 22-13691 and	)	
APPLICATION FOR TRANSFER NO 72904	)	
IN THE NAME OF BOYD SMITH TRUST	)	
	)	
	)	
Rusty Vest and Karen Vest,	)	
	)	
Petitioners.	)	
_____	)	

PETITION TO INTERVENE

TO: The Idaho Department of Water Resources, Eastern Regional Office, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402-1718

NOTICE IS HEREBY GIVEN that:

1. Rusty and Karen Vest, of 1101 Nashville Hwy., Ste. 3, Columbia, Tennessee 38401, the above named Petitioners, by and through counsel, hereby petition to intervene in the above captioned proceeding pursuant to Rules 350 through 354 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.350-354).

Receipt
#ED33339

2. The Department's Rules of Procedure provide that "Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding." IDAPA 37.01.01.350. A timely-filed petition for intervene shall be granted if the petition "shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues." *Id.* at 37.01.01.353.

3. Petitioners own water rights 22-00614 (1916 priority date), 22-00542 (1891 priority date), and 22-00541 (1889 priority date), which are appurtenant to land they own in Teton County, Idaho. Petitioners are in the process of having these water rights placed in their name.

4. Petitioners, like other protesters to the application, divert their water rights from South Leigh Creek in Teton County. Petitioners have good cause to believe that an approval of the application will injure their senior water rights by reducing the amount of water available in South Leigh Creek. Further, Petitioners have good cause to believe that the mitigation efforts proposed by the Applicant will not adequately mitigate the damage caused by the Application.

5. As water users that are keenly interested protecting their water rights, these Petitioners have a direct and substantial interest in the Application named above. These Petitioners do not intend to introduce any additional issues into this proceeding; they seek only to protect their interests as they are related to the Application. Further, these Petitioners are in the best position to represent their interests and to know and understand the specific impacts upon their water rights in the event that the application be approved. Additionally, these Petitioners accept any current appointments for hearing officer in this matter. Accordingly, these Petitioners

meet the standard for intervention under the Department's Rules of Procedure, and therefore respectfully request an order granting their intervention in this proceeding.



Jerry R. Rigby
of Rigby, Andrus, & Rigby, Chtd.
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 11th day of September, 2009, a true and accurate copy of the foregoing was sent by U.S. Mail, postage prepaid to the following:

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

Charles Cook
406 North 500 West
Tetonia, ID 83452

Ed Pitzer
P.O. Box 153
Driggs, ID 83422

Friends of the Teton River
P.O. Box 768
Driggs, ID 83452

Jerald Gee
2272 E. Hwy 33
Sugar City, ID 83448

Leigh Creek Canal Co.
2272 E. Hwy 33
Sugar City, ID 83448

Alene Breckenridge
519 West 575 North
Tetonia, ID 83452

David Breckenridge
519 West 575 North
Tetonia, ID 83452

Dale Breckenridge
519 West 575 North
Tetonia, ID 83452

Lloyd Fullmer
225 East 500 North
Tetonia, ID 83452

Verle C. Jardine
446 N. Hwy 33
Tetonia, ID 83452

Idaho Department of Fish
and Game
4279 Commerce Circle
Idaho Falls, ID 83401

Ken Dunn
326 North 300 West
Tetonia, ID 83452

Mitigation Inc.
C/O Ray W. Rigby
P.O. Box 250
Rexburg, ID 83440

Estate of Arden Klingler
C/O Ray W. Rigby
P.O. Box 250
Rexburg, ID 83440

Kerry Gee
2364 E. Hwy 33
Sugar City, ID 83448

CM Fullmer Irrigation
C/O Val Lofthouse
1618 S. Pioneer Rd.
Idaho Falls, ID 83402

Franklin B. Hansen
637 North 50 West
Tetonia, ID 83452

Moulton Law Office
Sean R. Moulton
P.O. Box 631
Driggs, ID 83422

Elmer Leon Beard
624 North 450 West
Tetonia, ID 83452

Milo D. Bahr
420 West Hwy 33
Tetonia, ID 83452

James V. Douglass
427 West 325 North
Tetonia, ID 83452

Idaho Rivers United
Coalition
162 North Woodruff
Idaho Falls, ID 83401

John Marchant
46 East 500 North
Tetonia, ID 83452

Rex L. Hansen
583 North 50 West
Tetonia, ID 83452

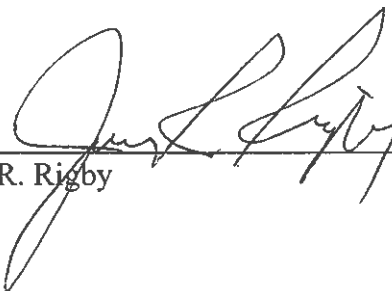
Fremont Madison Irrigation
District
P.O. Box 15
St. Anthony, ID 83445

Grand Teton Canal Co. Ltd.
P.O. Box 1099
Driggs, ID 83422

Steven Johnson
225 North 100 West
Driggs, ID 83422

Susan Eirich
P.O. Box 368
Driggs, ID 83422

The Boyd Charles Smith and
Jill Johnson Smith Trust
C/O Holden Kidwell
P.O. Box 50130
Idaho Falls, ID 83405



Jerry R. Rigby