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Attorneys for the Boyd Charles Smith and Jill Johnson Smith Trust

BEFORE THE IDAHO 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 THE BOYD SMITH TRUST

**OPPOSITION TO PETITION TO
INTERVENE**

The Boyd Charles Smith and Jill Johnson Smith Trust (the "Trust"), by and through their counsel, Robert L. Harris of Holden, Kidwell, Hahn and Crapo, hereby opposes the Petition to Intervene filed by Rusty and Karen Vest, by and through their counsel of record, Jerry R. Rigby of Rigby, Andrus & Rigby, in the above-entitled matter.

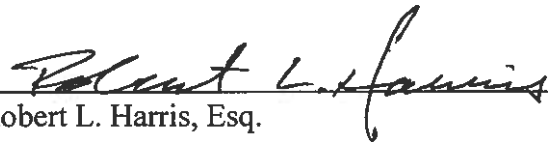
The grounds for the opposition is that there are approximately thirty (30) other protestants in this matter, and the Vest's interests will be adequately represented by the other protestants. Further, the Vests and/or their predecessors-in-interest had a full and fair opportunity to protest after

the above applications were advertised. To continue to allow additional protestants almost two years after the above applications were advertised will lead to additional delay and expand the issues at hearing as the Vests will likely submit information relative to their water rights, which will introduce new issues into this proceeding.

In the event intervention is granted, the Vests should be limited in their participation to attend the hearings on this matter, but not be permitted to conduct discovery, question witnesses at the hearing, or otherwise participate at the hearing.

DATED this 23rd day of September, 2008.

HOLDEN, KIDWELL, HAHN & CRAPO, PLLC


Robert L. Harris, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 23rd day of September, 2009.

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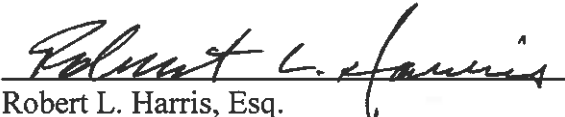
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