

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
SEP 24 2007
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, 42-222 and 42-224, 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 Transfer # 72904 for The Boyd Charles Smith & Gill Johnson Smith Trust
2. Name of protestant MITIGATION INC
3. Protestant's Representative for service (If different than protestant)
RAY W. RIGBY / Dale Rockwood
4. Service mailing address PO BOX 250, REXBURG ID 83440
5. Service telephone no. 208-356-3633
6. Basis of protest (including statement of facts and law upon which the protest is based)

TRANSFER WILL INJURE SENIOR WATER RIGHT HOLDERS AND STORAGE WATER DELIVERY ON THE TETON RIVER.

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

7. What would resolve your protest? DISMISS THE APPLICATION

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 24TH day of SEPTEMBER, 20 07.

MITIGATION, INC.
Protestant

Wendy Murphy per Dale Rockwood
Protestant's Representative (phone conversation on 9/24/07)

Receipt
#ED33421