



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 15, 2007

**Mitigation Inc
Ray W Rigby
PO Box 250
Rexburg ID 83440**

RE: Application for Transfer 72904— for Boyd C and Jill J Smith Trust

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

- 1. Will the proposed use reduce the quantity of water under existing rights?**
- 2. Is the proposed water supply insufficient for the purpose intended?**
- 3. Is the application made in good faith or for delay or speculative purposes?**
- 4. Has the applicant sufficient financial resources with which to complete the project?**
- 5. Will the proposed use under this permit conflict with the local public interest?**
- 6. Is the proposed use contrary to conservation of water resources within the State of Idaho?**

The protestant must be prepared to present proof of allegations involving one or more of the six items.

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In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

**Sharla Cox
Administrative Assistant**