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Rev. 04/2022

Filing Fee: \$25.00

NOV 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate \$25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant.**

1. Matter protested. Application for ☐ Permit ☐ Amendment of Permit ☒ Transfer ☐ Exchange

No. 88581 in the name of City of Rexburg

2. Protestant's Name: Fremont-Madison Irrigation District

Address: PO BOX 15 St Anthony ID 83445

Telephone: 208-624-3381 Email: aaron.fmid@myidahomail.com

3. Protestant's Representative: _____

Address: _____

Telephone: _____ Email: _____

4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See Instructions for Filing a Notice of Protest for the relevant review criteria.

See Letter Attached

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

5. ☒ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, 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.**

Protestant's or Representative's Signature

Aaron Dalling-Executive Director

Printed Name and Title (if applicable)

11-13-2023

Date

\$25.00 fee receipted by Ce K

FOR DEPARTMENT USE ONLY

Receipt # E049620

Date 11/17/23



Fremont-Madison Irrigation District

350 North 6th West

PO Box 15

St. Anthony, Idaho 83445

Phone: (208) 624-3381 Fax: (208) 624-3990

Email: fmid@myidahomail.com



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Idaho Department of Water Resources

900 N Skyline Dr A

Idaho Falls, ID 83402

RE: City of Rexburg Transfer Number 88581

November 13, 2023

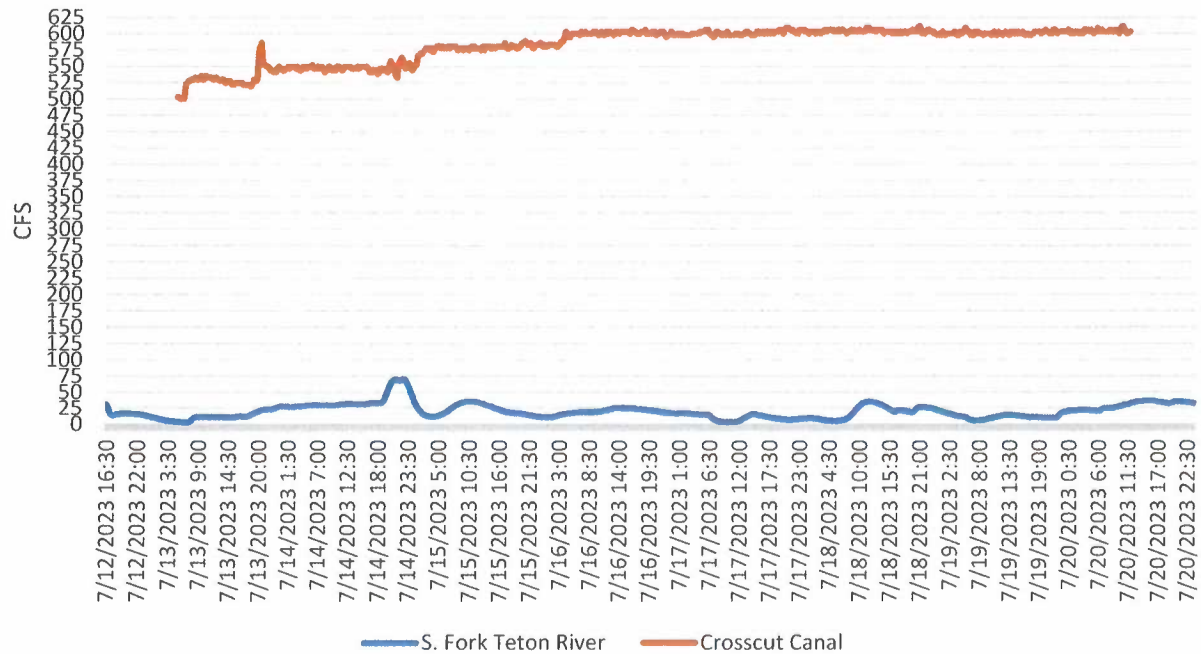
Dear Department of Water Resources,

This transfer without conditions could harm our ability to deliver storage water to irrigators on the Teton River.

In nearly every year, the Teton River at some point does not have enough water to meet irrigation demand even when supplemented by the Crosscut Canal.

2023 was an example of this. Even in a good water year, the Crosscut Canal's full capacity of 600cfs was needed for several days. During this period, the North Fork was completely dry below the Teton Island Feeder Canal Diversion while the flow in the South Fork at Rexburg touched zero several times (see chart on next page). At certain times during the irrigation season, there is not enough water in the Teton River to meet irrigation demand.

2023 S. Fork Teton River & Crosscut Canal Diversion Comparison



This transfer will expand the existing use of the city's water rights. If this new point of diversion is used during the irrigation season, and especially during critical times, it will impact our ability to deliver storage water to our space holders. It will also impact the amount of natural flow available to irrigators.

The city will have to install a new headgate on the river to divert water. It is rumored that this is part of a larger plan for Madison County to install a very large headgate in the river. If this headgate is installed as planned, and leaks (which it will), it will take water from a river that is already short for certain periods almost every year.

We would also consider this a difficult place to successfully install a headgate. The river and gravel pit are divided by only a narrow bank. The gravel pit is much lower than the river; as such, this location has a higher than usual chance of failure. If the bank does fail, who will be liable for the resulting crop failure if irrigation water is not deliverable for a period?

We believe there are several issues that need to be addressed before moving forward with this transfer.

Respectfully,

Aaron Dalling
Aaron Dalling