

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
JUN 05 2020
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, and 42-222, 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: Application for Transfer 84061
2. Name of protestant: Farmers Land & Irrigation of Alexander, Idaho, Limited
3. Protestant's Representative for service (If different than protestant): Jerry R. Rigby
4. Service mailing address: P.O. Box 250, Rexburg, ID 83440
5. Service telephone no. 208-356-3633 Email Address: jrigby@rex-law.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

Protestant's system is small, but complicated. Its water rights come from springs that feed the Soda Creek. It is fed from various springs and some of those springs over the years have fluctuation with changes in the Blackfoot Reservoir, dikes and other events on the Blackfoot Reservoir. Those changes have decreased the flows into Soda Creek. In the 1950s, Protestant built a Reservoir to help with its irrigation needs during the summer months when flows decrease and demand increases. Although the City of Soda Springs has an electrical generating right which uses the flow out of the Reservoir, Protestant has sole ownership of the reservoir and maintains the dam. P4 has no storage rights in this Reservoir and thus cannot expect or demand that its water right be filled out of Protestant's stored water, especially since Protestant very seldom, if ever, receives its full water right. Allowing this application by P4 and allowing P4s water to flow through Protestant's system to be delivered into the Bear River would cause Protestant to stand even further loss of water through its system and require many changes in flow throughout the day as the water flow fluctuates.

Finally, the location of the proposed transferred water is to be applied is not stated, with the exception that it is 51 acres in the Last Chance Irrigation system. However, the majority of the stockholders in the Last Chance Canal Company have no idea that this water is available or where it is to be diverted and applied.

7. What would resolve your protest? A denial of the proposed Transfer.

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.

Rec'd 6/5 - \$50.00 - CIL - E045981

SCANNED
JUN 11 2020

Signed this 5TH day of June, 2020.

Protestant

Attorney for Protestant
Protestant's Representative

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 5th day of June, 2020.

RIGBY ANDRUS & RIGBY LAW, PLLC

Jerry R. Rigby

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Idaho Department of Water Resources
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Idaho Falls, ID 83402

☒ Mail
☐ Hand Delivery
☒ Electronic Mail

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SCANNED
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