

RECEIVED
JUN 29 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 87995 in the name of DARBY SMITH AND RACHELLE SMITH
2. Protestant's Name: City of Rexburg
Address: 35 N 1st E, Rexburg, Idaho 83440
Telephone: 208-359-3020 Email: keith.davidson@rexburg.org
3. Protestant's Representative: Keith Davidson, Public Works Director
Address: 35 N 1st E, Rexburg, Idaho 83440
Telephone: 208-716-1320 Email: keith.davidson@rexburg.org

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.
The application conflicts with the local public interest. This transfer proposes to take water from property that was annexed into the City of Rexburg in 2003.
Current City ordinances require water previously used for irrigation to be transferred to the City upon development to offset anticipated consumption.
The new proposed place of use is outside the watershed or local area containing the source of water which will affect the local economy of the source's watershed or local area.
Removal of the water from this land will limit development of the property until such time as water can be transferred back to the property.

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

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

These water rights should remain appurtenant to the existing property consistent with current water use standards, as the foreseeable use of this property will require consumption of water.

Given that no new water rights are anticipated from IDWR, this water should remain available at its current location consistent with the local public interest.

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.**

Keith Davidson
Protestant's or Representative's Signature

Keith Davidson Public Works Director 6/28/23
Printed Name and Title (if applicable) Date

\$25.00 fee received by CDH

FOR DEPARTMENT USE ONLY

Receipt # E049318

Date 6/29/23