

Robyn M. Brody (ISB No. 5678)
BRODY LAW OFFICE, PLLC
P.O. Box 554
Rupert, ID 83350
Telephone: (208) 420-4573
Facsimile: (208) 260-5482
robynbrody@hotmail.com

J. Justin May (ISB No. 5818)
MAY, BROWNING & MAY, PLLC
1419 W. Washington
Boise, Idaho 83702
Telephone: (208) 429-0905
Facsimile: (208) 342-7278
jmay@maybrowning.com

Fritz X. Haemmerle (ISB No. 3862)
HAEMMERLE & HAEMMERLE, PLLC
P.O. Box 1800
Hailey, ID 83333
Telephone: (208) 578-0520
Facsimile: (208) 578-0564
fxh@haemlaw.com

RECEIVED

DEC 02 2014

DEPARTMENT OF
WATER RESOURCES

Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF THE
APPLICATION FOR PERMIT NOS.
36-16976**

**EXCEPTIONS TO PRELIMINARY
ORDER**

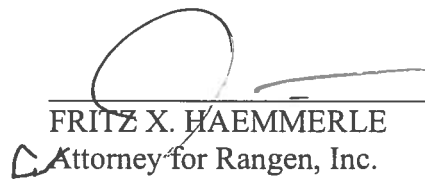
COMES NOW the Protestant/Applicant, Rangen, Inc. ("Rangen"), by and through its attorneys, Fritz X. Haemmerle, of Haemmerle & Haemmerle, P.L.L.C., Justin May of May, Browning and May, P.L.L.C., and Robyn M. Brody of Brody Law Office, PLLC, and hereby files these Exceptions to the Preliminary Order Issuing Permit issued by Hearing Officer James Cefalo in Permit No. 36-16976, dated November 18, 2014 (hereinafter "Order").

I. EXCEPTIONS

1. The hearing officer erred in deciding that "mitigation" is a recognized purpose of use for a water right.

2. The Hearing Officer erred in finding that the POU is located where “water is injected into infrastructure.
3. The Hearing Officer erred in concluding that the Application was not speculative or void.
4. The Hearing Officer erred in finding that the application was complete.
5. The Hearing Officer had no authority to subordinate the Permit.

DATED this 2 day of December, 2014.

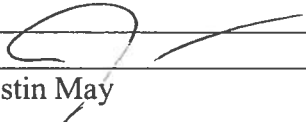


FRITZ X. HAEMMERLE
Attorney for Rangen, Inc.

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 2nd day of December, 2014 he caused a true and correct copy of the foregoing document to be served by email and first class U.S. Mail, postage prepaid upon the following:

Original: James Cefalo Idaho Department of Water Resources 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 james.cefalo@idwr.idaho.gov sharla.cox@idwr.idaho.gov	Hand Delivery ☐ U.S. Mail ☒ Facsimile ☐ Federal Express ☐ E-Mail ☒
Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED 201 E. Center St. P.O. Box 1391 Pocatello, ID 83304-1391 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net	Hand Delivery ☐ U.S. Mail ☐ Facsimile ☐ Federal Express ☐ E-Mail ☒
Blind Canyon Aquaranch, Inc. c/o Gary Lemmon 2757 South 1050 East Hagerman, ID 83332 glemmon@northrim.net	Hand Delivery ☐ U.S. Mail ☐ Facsimile ☐ Federal Express ☐ E-Mail ☒
Craig Hobdey P.O. Box 176 Gooding, ID 83330 hobdeycraig@gmail.com	Hand Delivery ☐ U.S. Mail ☐ Facsimile ☐ Federal Express ☐ E-Mail ☒
Idaho Dept. of Environmental Quality Attn: Sandy Gritton 650 Addison Ave. St. W. Ste. 500 Twin Falls, ID 83301-3380	Hand Delivery ☐ U.S. Mail ☐ Facsimile ☐ Federal Express ☐ E-Mail ☒



J. Justin May