

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
rbrody@cableone.net
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

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 & 36-17002

**RANGEN, INC.'S DISCLOSURES
UNDER RULE 37.03.08.40.05**

COME NOW the Petitioner, RANGEN, INC. ("Petitioner" or "Rangen"), by and through its attorneys of record, Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C.; Robyn M. Brody of Brody Law Office, PLLC; and J. Justin May of May Browning & May, PLLC, and pursuant to IDAPA 37.03.08.40.05 submit the following disclosures:

RANGEN'S MANDATORY DISCLOSURES - 1

EXHIBIT

2041

exhibitsticker.com

GENERAL RESPONSE

Most, if not all, of the information sought under IDAPA 37.03.08.40.05 is contained in IDWR agency record for Twin Falls County Case No. CV-2014-1338 (consolidated with Gooding County Case No. CV-2014-179), which was prepared by the Department. The agency record is in possession of the Department, Rangen and IGWA. Considerable evidence is in the record concerning water flows for the Rangen facility, as well as the design of the facility. Exhibits which may be relevant to this disclosure include:

1. **Water Measurements and Requirements:** See Exhibits: 1061, 1075, 1094 – 1123, 1285 – 1290.
2. **Facility Design:** See Exhibits: 1004, 1005, 1006, 1011, 1022, 10232, 1024, 1452 – 1458, 3648, 3651.
3. **Governmental licenses:** Exhibit 1140.
4. **Rangen's Historic Authorized Diversions:** Rangen historically used all the water being applied for under the permits, licenses and decrees for water rights 36-7694, 36-2551 and 36-15501, 36-134B and 36-135A. The backfiles, permits, licenses and decrees for these rights are contained in Exhibits 1026, 1027A, 1028 and 1029.

QUESTION NO. 1 (40.05c(i)): For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

RESPONSE TO QUESTION NO. 1: The following water rights are diverted from the Martin Curren Tunnel, which is located on the talus slope within the specific point of diversion specified by the Applicant, Rangen, Inc. for Permit No. 36-17002, 36-7694, 36-2551, 36-15501, 36-134A, 36-134B, 36-134(D), 36-134E, 36-102, 36-135A, 36-135B, 36-135D and 36-135E.

QUESTION NO. 2 (40.05.c.ii): For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

RESPONSE TO QUESTION NO. 2: N/A Application is for surface water.

QUESTION NO. 3 (40.05.c.iii): Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

RESPONSE TO QUESTION NO. 3: N/A. There is no impact to other users because the purpose of use, fish propagation, contained in the permit is a non-consumptive use.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

QUESTION NO. 4 (40.05.d.i): Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

RESPONSE TO QUESTION NO. 4: See Exhibits: 1061, 1075, 1094 through 1123, 1285 - 1290 to General Response.

QUESTION NO. 5 (40.05.ii): Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

RESPONSE TO QUESTION NO. 5: See Response to Question No. 4.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

QUESTION NO. 6 (40.05.e.i): The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

RESPONSE TO QUESTION NO. 6: See attached deed, Exhibit A to Response.

QUESTION NO. 7 (40.05.d.ii): The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

RESPONSE TO QUESTION NO. 7: See Exhibit 1140 to General Response.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

QUESTION NO. 8 (40.05f.i): The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

RESPONSE TO QUESTION NO. 8: Per the May 20, 2014, letter from Hearing Officer Cefalo, the Applicant does not believe a response to this question is required. The fish facility and all related diversions associated with the facility have previously been constructed by Rangen and on Rangen property, and have been in place since the Applicant obtained water rights 36-7695, 36-2551 through the permit, license and decree process. Therefore, no more costs will be associated with the diversion of water associated with Permit No. 36-17002.

QUESTION NO. 9 (40.05.f.ii): The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

RESPONSE TO QUESTION NO. 9: See Response to Question No. 8. Otherwise, see General Response, Exhibits: 1004, 1005, 1006, 1011, 1022, 10232, 1024, 1452 – 1458, 3648, 3651.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

QUESTION NO. 10 (40.05.g): The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director.

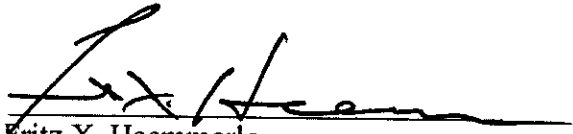
RESPONSE TO QUESTION NO. 10: A letter has been sent to Gooding County, Idaho Department of Fish and Game and Idaho Department of Environmental Quality for their response on this Application. See, Exhibit B, attached.

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the Director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The Director may request any or all of the following information for any filing seeking the reallocation of trust water.

GENERAL RESPONSE TO QUESTION NO. 11: N/A. The Application is for non-consumptive use, and therefore, will not reduce flows in the Snake River by more than two (2) acre feet per day.

DATED this 20th day of June, 2014.

HAEMMERLE & HAEMMERLE, P.L.L.C.

By: 
Fritz X. Haemmerle

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 20 day of June, 2014 she 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	Hand Delivery ☐ U.S. Mail ☒ Facsimile ☐ Federal Express ☐ E-Mail ☒
Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 101 South Capitol Blvd, Ste 300 Boise, ID 83704-1391 Fax: 208-433-0167 rcb@racinelaw.ne tjb@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	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 ☒

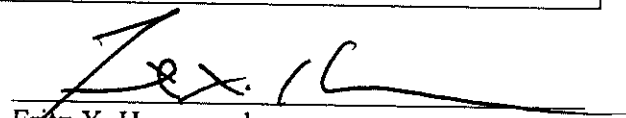

Fritz X. Haemmerle

EXHIBIT A

THIS INDENTURE, Made this 22 day of May
in the year of our Lord one thousand nine hundred and sixty-two
E. H. Bean and Elsie V. Bean, husband & wife,
of Hagerman County of Gooding State of Idaho
the part les of the first part, and
Rangen Inc., a corporation,
of Buhl County of Twin Falls State of Idaho
the part y of the second part.

WITNESSETH That the said part les of the first part for and in consideration of the sum of
Thirty-five thousand and no/100 (\$35,000.00)----- DOLLARS
lawful money of the United States of America,

to them in hand paid by the said
part y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party
of the second part, and to its heirs and assigns forever, all of the following described real estate
situated in County of Gooding State of Idaho to-wit:

A parcel of land in Sections 31 and 32, T. 7 S., R. 14 E., B.M.
described as beginning at a point that is East 1321.00 feet along
the section line common to Sections 29 and 32, T. 7 S., R. 14 E.,
B.M., and S 0° 16' E., 1334.55 feet, from the section corner common
to Sections 29, 30, 31, and 32, T. 7 S., R. 14 E., B.M.)

Thence S 0° 02 3/4' W., 1414.80 feet;

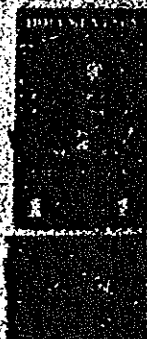
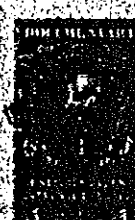
Thence N 77° 08 1/4' W., 2738.41 feet;

Thence N 0° 01 3/4' E., 840.82 feet;

Thence S 89° 35 3/4' E., 1159.53 feet;

Thence S 88° 57 3/4' E., 1511.03 feet to the point of
beginning; containing 69.358 acres.

Together with water rights, including but not limited to
73 inches of water with a priority of October 9, 1885, developed
and diverted from the waters, seeps, springs and rivulets in the
rimrock above the headwaters of Billingsley Creek and 8 inches of
the waters of said seeps, springs and rivulets with a priority of
April 1, 1908, as decreed in the case of the New International
Mortgage Bank v. Idaho Power Co., which decree was dated March 22,
1932 and recorded in Book 6 of Judgments, page 31, records of
Gooding County.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said part les of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the part y of the second part, and to its heirs and assigns forever,
and the said part les of the first part, and their heirs, the said premises in the quiet and peaceful
possession of the said part y of the second part, its heirs and assigns, against the said part les
of the first part, and their heirs, and against all and every person and persons whatsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ^{leaf} the first part ha ve hereunto set ^{their} hands and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

E H Bean

[Seal]

Elsie V. Bean

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

County of Gooding

ss.

On this

23

day of

May

in the year 19 62, before me

the undersigned

a Notary Public

in and for said State, personally appeared

E. H. Bean and Elsie V. Bean.

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

SEAL)

H. F. LeMay
Notary Public for the State of Idaho
Residing at

6-8-67

FILED

22063

WARRANTY DEED

E. H. BEAN

and

ELSIE V. BEAN

TO

RANGER, INC.

Dated

19

STATE OF IDAHO

County of Gooding

I hereby certify that this instrument was filed for record at request of

RANGER, INC.

10:00

at

Gooding, Idaho

on

May 23, 1962

In my office, and duly recorded in Book

of

at page

31212 S. STUBBS

Notary Recorder

My

Exp. 1-1-65

Notary

R. C. BEAN, JR.

Notary

EXHIBIT B

(The copied letters included in this Exhibit do not include Rangen Permit under 36-17002, which were attached to original letters, because the permit is in possession of the Department)

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

June 19, 2014

Idaho Department of Environmental Quality
Twin Falls Regional Office
650 Addison Ave. West, Suite 110
Twin Falls, IDF 83301
Via Fax: (208) 736-2190

Re: Application for Permit 36-17002 (Opportunity to Comment on Local Public Interest)

To Whom It May Concern:

This firm represents Rangen, Inc. ("Rangen"), the Applicant for water permit 36-17002. As required by the Idaho Department of Water Resources, the purpose of this letter is to seek any comment Idaho Department of Environmental Quality might have with respect to the issuance of water right permit 36-17002, as related to the "local public interest." The term "local public interest" is defined as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." Idaho Code Section 42-202B(3). For your convenience, I have attached a copy of Rangen's Application for Permit.

Please direct any responses to me at the address cited herein or to:

Idaho Department of Water Resources
c/o James Cefalo
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402-1718

Thank you for your attention to this matter.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client

Douglas M. Conde, Deputy A.G. (douglas.conde@deq.idaho.gov)

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

June 19, 2014

Idaho Department of Fish and Game
Magic Valley Region 324, Ste. 1
Jerome, ID 83338
Via Fax: (208) 324-1160

Re: Application for Permit 36-17002 (Opportunity to Comment on Local Public Interest)

To Whom It May Concern:

This firm represents Rangen, Inc. ("Rangen"), the Applicant for water permit 36-17002. As required by the Idaho Department of Water Resources, the purpose of this letter is to seek any comment Fish and Game might have with respect to the issuance of water right permit 36-17002, as related to the "local public interest." The term "local public interest" is defined as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." Idaho Code Section 42-202B(3). For your convenience, I have attached a copy of Rangen's Application for Permit.

Please direct any responses to me at the address cited herein or to:

Idaho Department of Water Resources
c/o James Cefalo
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402-1718

Thank you for your attention to this matter.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client

Dallas Burkhalter, Deputy A.G. (dallas.burkhalter@idfg.idaho.gov)

HAEMMERLE & HAEMMERLE, P.L.L.C.
Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 1
Tel: (208) 578-0520
Fax: (208) 578-0564

June 19, 2014

Gooding County Board of County Commissioners
P.O. Box 417
Gooding, ID 83330

Re: Application for Permit 36-17002 (Opportunity to Comment on Local Public Interest)

Dear Commissioners:

This firm represents Rangen, Inc. ("Rangen"), the Applicant for water permit 36-17002. As required by the Idaho Department of Water Resources, the purpose of this letter is to seek any comment Gooding County might have with respect to the issuance of water right permit 36-17002, as related to the "local public interest." The term "local public interest" is defined as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." Idaho Code Section 42-202B(3). For your convenience, I have attached a copy of Rangen's Application for Permit.

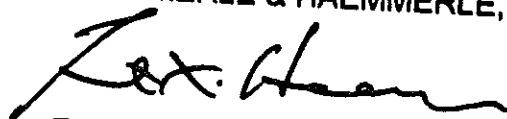
Please direct any responses to me at the address cited herein or to:

Idaho Department of Water Resources
c/o James Cefalo
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402-1718

Thank you for your attention to this matter.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client

Ami Bennett, P&Z Administrator (abennett@gooding.id.us) .