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Attorneys for Rangen, Inc.

RECEIVED

OCT 17 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE
APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 36-7072
(TRANSFER APPLICATION #79560) IN
THE NAME OF IGWA FOR NORTH
SNAKE GWD, MAGIC VALLEY GWD,
SOUTHWEST ID ON BEHALF OF THE
OWNER, SEAPAC OF IDAHO, INC.

**NOTICE OF PROTEST BY
RANGEN, INC. TO WATER RIGHT
TRANSFER APPLICATION NO.
79560**

Rangen, Inc. ("Rangen"), P.O. Box 706, 115 13th Avenue South, Buhl, Idaho 83316, by and through its attorneys, and pursuant to Idaho Code Section 42-222, or as otherwise provided by administrative rules, hereby files its protest to Transfer Application No. 79560 (the "Application").

PROTEST

1. The Application violates the criteria of I.C. § 42-222.

2. The current use for water right 36-7072 is fish propagation. This is a non-consumptive use.

3. The Application proposes to transfer water discharged from the ESPA at Magic Springs by pumping via buried pipeline approximately 2.5 miles to Rangen's place of use near the head of Billingsley Creek. The water will be consumed in Billingsley Creek and will not return to the Snake River.

4. There may be diseases present in Magic Springs that are not present at the head of Billingsley Creek. The transfer of water will result in transfer of disease.

5. The transfer will be detrimental to fish and wildlife, fish rearing and spawning habitat, fish passage, waterfowl habitat, and aesthetic beauty and therefore is not in the best interest of the general public of the State of Idaho.

6. Other water rights will be injured by the transfer and the change constitutes an enlargement in use of the original right, in violation of the criteria of I.C. § 42-222.

7. The transfer will change this water right from a non consumptive water right to a consumptive water right in violation of the criteria of I.C. § 42-222.

8. The transfer is not consistent with the conservation of water resources within the state, in violation of the criteria of I.C. § 42-222.

9. The transfer is not in the local public interest as defined in section 42-202B, Idaho Code, in violation of the criteria of I.C. § 42-222.

10. For all the reasons contained herein, the Application should be denied.

11. For such other and further reasons as may be discovered or set forth at the hearing of this matter. Protestant reserves the right to amend this protest as necessary.

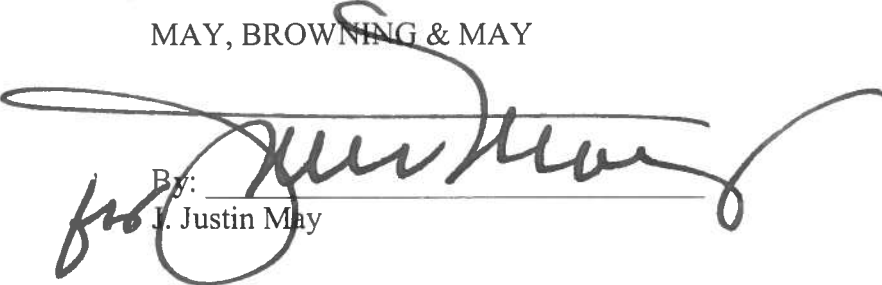
WHEREFORE, the Protestant prays for the following relief:

1. That the Permit be denied in all respects.
2. For attorney's fees and costs as may be allowed by law.
3. For any other relief as deemed just and equitable.

RESPECTFULLY SUBMITTED this 17 day of October, 2014.

I hereby, 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 notified at either 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.

MAY, BROWNING & MAY

By: 

J. Justin May

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Fee: \$25.00

Receipt No. 5034347

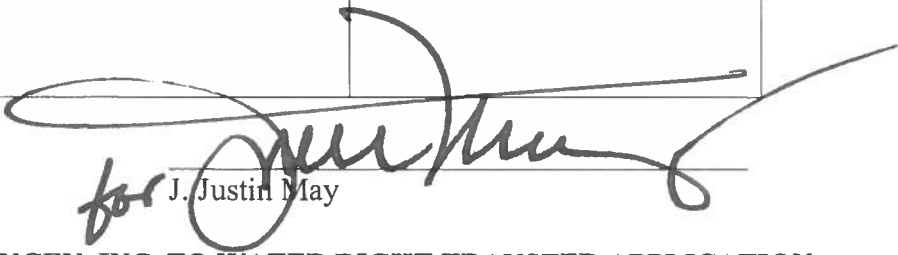
Receipt by: dm

Date Received: 10-17-2014

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 17th day of October, 2014 he caused a true and correct copy of the foregoing document to be served by the method indicated upon the following:

North Snake Ground Water District Lyn Carlquist, Chairman c/o Joyce Moreno, Secretary 152 E. Main Street Jerome, ID 83338 nsgwd@safelink.net calquil@yahoo.com	Hand Delivery ☐ U.S. Mail ☒ Facsimile ☐ Federal Express ☐ E-Mail ☒
Magic Valley Ground Water District Dean Stevenson, Chairman c/o Emily Haynes, Secretary P.O. Box 430 Paul, ID 83347 desteve@pmt.org mvgwd@hotmail.com	Hand Delivery ☐ U.S. Mail ☒ Facsimile ☐ Federal Express ☐ E-Mail ☒
Southwest Irrigation District c/o William A. Parsons, Attorney 137 W. 13 th St. Burley, ID 83318 wparsons@pmt.org csearle@pmt.org	Hand Delivery ☐ U.S. Mail ☒ Facsimile ☐ Federal Express ☐ E-Mail ☒
Idaho Ground Water Appropriators, Inc. (IGWA) c/o Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED 201 E. Center St. P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net	Hand Delivery ☐ U.S. Mail ☒ Facsimile ☐ Federal Express ☐ E-Mail ☒


for J. Justin May