

ORIGINAL

NOTICE OF PROTEST

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APR 09 2014
DEPARTMENT OF
WATER RESOURCES

1. **Matter being protested:** Application for Transfer No. 79135 in the name of Rangen, Inc.
2. **Name of protestants:** North Snake Ground Water District, Magic Valley Ground Water District, Southwest Irrigation District (collectively the "Districts").
3. **Protestants' Representative for service:**

Randy Budge
T.J. Budge
Racine Olson Nye, Budge & Bailey, Chtd.
P.O. Box 1391 / 201 E. Center St.
Pocatello, Idaho 83204-1391
208-232-6101 – phone
208-232-6109 – fax
rcb@racinelaw.net
tjb@racinelaw.net

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SOUTHERN REGION

4. **Basis of protest:** This protest is based upon all of the criteria set forth in Idaho Code § 42-222, including but not limited to:
 - A. The transfer will cause injury to other water rights, including water right no. 36-16976 owned by the Districts and groundwater rights owned by their individual members.
 - B. The transfer will enlarge the use of Rangen's water rights by enabling Rangen to divert water from additional sources that it is not legally entitled to use. The transfer effectively seeks to appropriate a new water right that piggy backs onto the early priority dates of Rangen's existing water rights, as opposed to a 2014 priority date as allowed by Idaho law.
 - C. The transfer is contrary to the local public interest because it will enable Rangen to further impede beneficial use of the Eastern Snake Plain Aquifer by shutting down groundwater rights that supply water to more than a hundred thousand acres of irrigated farmland and to dozens of cities, dairies, and businesses across the Magic Valley.
 - D. The transfer will catastrophically harm the local economy as a result of the curtailment described above.

- E. The transfer is an impermissible collateral attack on the *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* issued January 29, 2014, by the Director of the IDWR.

5. What would resolve your protest?

Denial of the transfer, or subordination of the transfer to all existing and future water rights, including but not limited to water right no. 36-16976 owned by the Districts.

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.

Signed this 9th day of April, 2014.

Protestant's Representatives: _____



Randall C. Budge

T.J. Budge

CERTIFICATE OF SERVICE

I certify that on this 9th day of April, 2014, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☒ Hand Delivery ☒ E-mail
Idaho Department of Water Resources Southern Region 650 Addison Ave W, Ste 500 Twin Falls, ID 83301 allen.meritt@idwr.idaho.gov denise.maline@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
Robyn M. Brody Brody Law Office, PLLC PO Box 554 Rupert, ID 83350 rbrody@cableone.net robynbrody@hotmail.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
Fritz X. Haemmerle Haemmerle & Haemmerle, PLLC PO Box 1800 Hailey, ID 83333 fxh@haemlaw.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
J. Justin May May, Browning & May, PLLC 1419 West Washington Boise, ID 83702 jmay@maybrowning.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. C098655

Receipt by: Chad Jones

Date Received: 4.9.2014

FOR OFFICE USE ONLY

Fee: ~~\$25.00~~ \$50-

Receipt No. C098666

Receipt by: Chad Jones

Date Received: 4.10.2014