

RECEIVED
MAR 04 2014
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

Transfer No. 79135

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Narrative in support of application

Rec'd 3/5/14

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FEB 18 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79135**MINIMUM REQUIREMENTS CHECKLIST**
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- ☒ ☐ #9 Other. Please describe: Narrative in support of application

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79135**RECEIVED****MAR 04 2014****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant Christopher Rangen, Inc.Phone (208) 543-6421Mailing address P.O. Box 706, Buhl, ID 83316

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Charles E. Brockway, P.E.Phone (208) 736-8543Mailing address 2016 Washington St. North, Suite 4

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Christopher Rangen

Print Name and Title if applicable



Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Add two (2) points of diversion to three (3) decreed rights, and correct legal description to accurately describe place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79135

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Rangen, Inc.Phone (208) 543-6421Mailing address P.O. Box 706, Buhl, ID 83316

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
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Christopher Rangen, Inc. Christopher Rangen 2-18-2014
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	36-15501	1.46	Fish Propagation	1/1 to 12/31	All rights: Martin-Curren
☒ ☐	36-02551	0.10	Domestic	1/1 to 12/31	Tunnel, Springs, and
☒ ☐	36-02551	48.54	Fish Propagation	1/1 to 12/31	Billingsley Creek
☒ ☐	36-07694	26.0	Fish Propagation	1/1 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 76.0 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 76.0 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	SW	NW	32	7S	14E	Gooding	Martin-Curren Tunnel	Farmer Box
		SE	SW	NW	32	7S	14E	Gooding	Springs	Rangen Box
		SW	SW	NW	32	7S	14E	Gooding	Billingsley Cr. Headwater	Bridge Diversion

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
75	14E	31			X	X													
		32							X										

Total Acres (for irrigation use) _____

T#79135

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

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☒ ☐	36-07694	26.0	Fish Propagation	1/1 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 76.0 cfs and/or _____ ac-ft

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		SW	SW	NW	32	7S	14E	Gooding	Billingsley Cr. Headwater	Bridge Diversion

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Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Farmer Box: existing concrete box at tunnel mouth, to facility via pipelines, in-pipe flow meters. Rangen Box: existing lower concrete box collecting spring water, to facility via pipeline, in-pipe flow meter. Billingsley Creek: existing concrete check collecting spring water, to facility via pipeline, sharp-crested weir blade on pipe forebay if necessary.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

n/a

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Applicant's rights 36-00134B and 36-00135A are diverted from Curren Tunnel to domestic and irrigation uses. Numerous irrigation rights owned by other parties also have Curren Tunnel as a POD, but are not currently diverted from that source. See attached Part 2A's for complete list.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Total Acres (for irrigation use) _____

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2551

Current Owner: RANGEN INC
 Priority Date: 7/13/1962
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

MARTIN-CURREN TUNNEL

Tributary

BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.1 CFS	
FISH PROPAGATION	1/01 to 12/31	48.54 CFS	
	<u>Total Diversion</u>	48.54 CFS	

Location of Point(s) of Diversion

MARTIN-CURREN TUNNEL
 GOODING County

SE1/4SW1/4NW1/4 Sec. 32, Twp 07S, Rge 14E B.M.

Place of Use**DOMESTIC Within GOODING County**

T07S R14E S31	SENE	T07S R14E S32	SWNW
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FISH PROPAGATION Within GOODING County

T07S R14E S31	SENE	T07S R14E S32	SWNW
---------------	------	---------------	------

Conditions of Approval:

1. THIS RIGHT AND RIGHT NO. 36-15501 ARE LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 123,272 CU. FT.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-00102, 36-00134A, 36-00134B, 36-00134C, 36-00135A, 36-00135B, 36-00135C, 36-07694, 36-10140, 36-10142 AND 36-15501.
FISH PROPAGATION, 62 PONDS
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed Date: 12/29/1997

T# 79135

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-7694

Current Owner: RANGEN INC
Priority Date: 4/12/1977
Origin: Water Right
Status: Active
Basis: Decreed

Source

MARTIN-CURREN TUNNEL

Tributary

BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	26 CFS	
	<u>Total Diversion</u>	26 CFS	

Location of Point(s) of Diversion

MARTIN-CURREN TUNNEL SE1/4SW1/4NW1/4 Sec. 32, Twp 07S, Rge 14E B.M.
GOODING County

Place of Use

FISH PROPAGATION Within GOODING County

T07S R14E S31	SENE	T07S R14E S32	SWNW
---------------	------	---------------	------

Conditions of Approval:

1. FACILITY VOLUME=287,640 CU. FT.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-00102, 36-00134A, 36-00134B, 36-00134C, 36-00135A, 36-00135B, 36-00135C, 36-10140, 36-10142 & 36-02551.

Decreed Date: 12/30/1997

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-15501

Current Owner: RANGEN INC
 Priority Date: 7/1/1957
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

MARTIN-CURREN TUNNEL

Tributary

BILLINGSLEY CREEK

Beneficial Use**From To****Diversion Rate****Annual Volume**

FISH PROPAGATION 1/01 to 12/31

1.46 CFS

Total Diversion

1.46 CFS

Location of Point(s) of Diversion

MARTIN-CURREN TUNNEL
 GOODING County

SE1/4SW1/4NW1/4

Sec. 32, Twp 07S, Rge 14E B.M.

Place of UseFISH PROPAGATION Within GOODING County

T07S R14E S31

SENE

T07S R14E S32

SWNW

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-00102, 36-00134A, 36-00134B, 36-00134C, 36-00135A, 36-00135B, 36-00135C, 36-07694, 36-10140 36-02551 & 36-10142.
FISH PROPAGATION, 62 PONDS
2. THIS RIGHT AND RIGHT NO. 36-02551 ARE LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 123,272 CU. FT.

Decreed Date: 12/29/1997

Transfer contains _____ pages and _____ attachments.

Received by Adm Date 2/18/14 Prelim. Check by _____ Date _____

Fee Paid \$4260⁰⁰ Date 2/19/14 Received by Adm Receipt # 5033817

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Narrative in Support of Application for Transfer by Rangen, Inc. Water rights 36-15501, 36-02551, and 36-07694

Brockway Engineering, PLLC
Charles G. Brockway, Ph.D., P.E.

February 18, 2014

A. Purpose

The purpose of the application is to add two (2) points of diversion to decreed water rights in order to properly codify historical usage which has been occurring since the rights were originally licensed. The application is being submitted in response to the Director's order in Docket No. CM-DC-2011-004.

B. Water Source

The source of all of the water utilized at the Rangen facility is the Curren Spring Complex. This complex consists of the Martin-Curren tunnel (aka Curren Tunnel), a man-made horizontal tunnel constructed many decades ago which created a discrete point of spring issuance from the canyon wall, plus innumerable small springs and seeps issuing within and flowing through the talus slope. All of the spring complex water forms the headwaters of Billingsley Creek. The diversion infrastructure described below has been in place since the time of the licensing of the subject rights.

C. Description of Points of Diversion

The water rights in this transfer application, as decreed, list the point of diversion in the SESWNW Sec. 32, T7S, R14E. The concrete collector box at the mouth of the tunnel collects tunnel flow and is known as the Farmer's Box. This diversion is depicted as POD #1 on the attached map. Two 12-inch pipes convey water directly to a lower box known as the Rangen Box. The Rangen Box is noted as POD #2 on the attached map. It is listed as a point of diversion on the transfer application because in addition to receiving water via the pipelines from POD #1, it also independently collects additional spring water from the talus slope. From the Rangen Box, a 12-inch pipe conveys water to the Small Raceways, and a pipeline further conveys water from the tailrace of the Small Raceways to the Large Raceways. Some water spills through a cutout in the Rangen Box back to the talus slope.

In addition to the system described above, a 6-inch PVC pipe diverts from the Curren Tunnel, bypasses the Rangen Box, and carries potable water to the hatch house, greenhouse, domestic use at the shop, and domestic and irrigation uses at three (3) on-site residences. Water in the 6-inch pipe can be returned to Billingsley Creek after use in the hatch house and greenhouse, or it can be conveyed to the Small Raceways.

Not all of the spring water in the Curren Spring Complex is collected at POD#1 and POD#2. Water not collected at these two points forms the headwaters of Billingsley Creek and is immediately diverted at POD#3, known as the Bridge Diversion. At POD#3, a check across the creek diverts water into a 36-inch concrete pipe to the Large Raceways. This is the main diversion for the Large Raceways.

Water from the tailrace of the Large Raceways is conveyed to the CTR Raceways. Return to Billingsley Creek occurs at the end of the CTR Raceways.

D. Water at all Diversions is the Same Water

The water collected at POD#1, POD#2 and POD#3 is the same water from the same original source – the Curren Spring Complex. The Director of the Idaho Department of Water Resources recently determined that “The Bridge Diversion collects and diverts the spring flows that arise on the talus slope below the Curren Tunnel and water spilled from the Rangen Box.”ⁱ The Bridge Diversion is located immediately downstream of the complex and is equivalent to a spring collection point. The hydrologic evidence presented in this contested case clearly indicates that the water diverted at the Bridge Diversion is the same water that emanates from the Curren Spring Complex.

E. Evaluation of Transfer Criteria

1. The change will not injure other water rights.

No other water rights than the applicant’s presently divert from the Curren spring system. The proposed change will only codify historic use from the spring complex as measured and approved by IDWR, in place since the time of the licensing of the water rights. No downstream water user will be affected. The water usage is non-consumptive and therefore the change will not affect flows in Billingsley Creek.

2. The change will not result in enlargement of the original water right.

Under the proposed change, no water beyond the decreed diversion rate will be diverted. No change in infrastructure or facility size is proposed. The use is non-consumptive and all water diverted is returned to Billingsley Creek as it has been historically.

3. The change will not conflict with the local public interest.

The applicant provides a clear local benefit through the operation of its facility through its commercial fish product, its research activities, its provision of fish to Idaho Power for conservation purposes, and its employment of local workers. The proposed change will allow these benefits to continue. Without the change, the activities of the facility would need to be reduced in scope.

4. The change will not be contrary to the conservation of water resources in the State of Idaho.

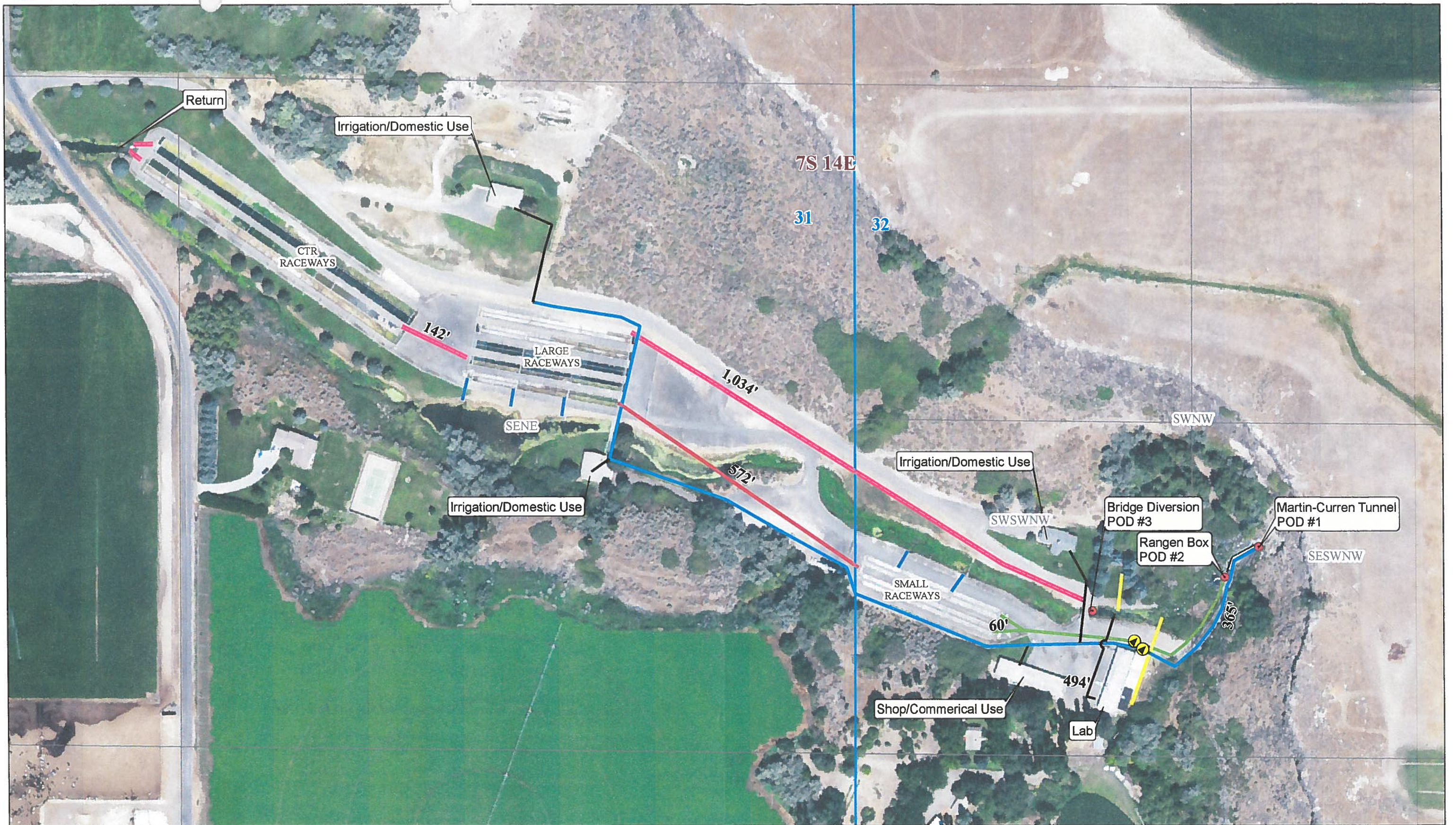
The Director of IDWR has determined that the applicant employs “reasonable diversion and conveyance efficiency and conservation practices” in its diversion.ⁱⁱ Nothing in the proposed change would alter this fact.

5. The change will not adversely affect the local economy.

The change will allow the economic benefit to continue. If the change is not approved, the local economy will be adversely affected due to the need to reduce the scope of the applicant’s activities at the facility.

ⁱ Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Gound Water Rights Junior to July 13, 1962. Issued January 29th, 2014. Finding of Fact No. 20.

ⁱⁱ Ibid. Conclusion of Law No. 34.



0 200 400 Feet

**RANGEN INC.
WATER RIGHT TRANSFER
EXHIBIT #7A
NAIP 2013 AERIAL PHOTOGRAPH**

Legend

- | | | |
|----------------|------------------|-------------|
| Proposed POD | 18" Conc. Pipe | township |
| Pipeline | 36" Conc. Pipe | Sections |
| 12" Steel Pipe | Drain | ladesc |
| 24" cmp seeps | Potable Mainline | Flow Meters |
| (2) PVC | Service line | |



22104 PL



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2014

RANGEN INC
PO BOX 706
BUHL, ID 83316

RE: Transfer No. 79135
Water Right No(s). 36-15501, 36-2551, 36-7694

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS** on **4/3/2014 and 4/10/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 21, 2014**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

for: Allen Merritt
Southern Regional Manager

cc:

BROCKWAY ENGINEERING PLLC
C/O CHARLES E BROCKWAY
2016 WASHINGTON ST N, STE 4
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 27, 2014 10:41 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; 36-17011 & 79135 Ad.docx

Attached please find (1) legal notice being submitted for publication on April 3rd & 10th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2014

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 79135

Water Right No(s): 36-15501, 36-2551, 36-7694

RE: Application For Permit No.(s): 36-17011

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 21, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17011

MAGIC VALLEY GROUND WATER DISTRICT

SOUTHWEST IRRIGATION DISTRICT

NORTH SNAKE GROUND WATER DISTRICT

C/O RANDALL C BUDGE

PO BOX 1391

POCATELLO, ID 83204-1391

Point of Diversion NESW S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SESW S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion NESW S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion NWSE S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SWSE S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 50 CFS

Use: IRRIGATION 02/15 to 11/30 13.03 CFS

Use: MITIGATION 01/01 to 12/31 32 CFS

Total Diversion: 50 CFS

Date Filed: 2/28/2014

Place Of Use: MITIGATION

T07S R13E S2, S10, S11, S12, S13, S14, S15, S16, S21, S22, S23, S24, S25, S26, S27, S28, S33, S34, S35, S36

T07S R14E S7, S18, S19, S30, S31, S32

T08S R13E S1, S2, S3, S4

T08S R14E S5, S6, S8

Place Of Use: IRRIGATION

T07S R13E S36

T07S R14E S31, S32

T08S R14E S6

Place Of Use: GROUND WATER RECHARGE

T08S R14E S5, S8

Total Acres: 651.3

Application proposes appropriating 50 cfs of water from waste water from the North Side Canal Co. system for mitigation, ground water recharge and irrigation purposes to mitigate for existing and future water calls from senior water right holders in the Hagerman area on junior ground water users that are members of the Ground Water Districts (Applicants) in the Eastern Snake Plain Aquifer. The proposed points of diversion are located at the head of the Sandy Pipeline and within the Sandy Ponds approximately 4 miles south and 3 miles east of Hagerman. The application identifies the location of the mitigation use to be within the Hagerman valley area and the irrigation place of use centered approximately 3 miles south and 2 miles east of Hagerman. Ground water recharge is proposed at the Sandy Ponds.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79135

RANGEN INC, PO BOX 706, BUHL, ID 83316; has filed Application No. 79135 for changes to the following water rights within GOODING County(s): Right No(s). 36-15501, 36-2551, 36-7694. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add two points of diversion and refine source descriptions to three existing water rights (36-2551, 36-7694 and 36-15501). The rights presently describe only the Martin-Curren Tunnel. The two additional diversions utilize existing water collection boxes. One is on Billingsley Creek at its head and the other midslope between the Martin-Curren Tunnel and Billingsley Creek. All are located at an existing fish farm located approximately 2.5 mi. south and 2.0 mi. east of the City of Hagerman near Vader Grade on the Wendell-Hagerman Highway. The three diversions will be used to divert up to 76 cfs under the existing rights.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on April 3rd & 10th, 2014

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 27, 2014 10:42 AM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Idaho Statesman Cover Letter.docx; 36-17011 & 79135 Ad.docx

Attached please find (1) legal notice being 'submitted for publication on April 3rd & 10th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2014

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN

PO BOX 40

BOISE, ID 83707

RE: Transfer No. 79135
Water Right No(s): 36-15501, 36-2551, 36-7694

RE: Application For Permit No.(s): 36-17011

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 21, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17011

MAGIC VALLEY GROUND WATER DISTRICT

SOUTHWEST IRRIGATION DISTRICT

NORTH SNAKE GROUND WATER DISTRICT

C/O RANDALL C BUDGE

PO BOX 1391

POCATELLO, ID 83204-1391

Point of Diversion NESW S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SESW S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

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Use: GROUND WATER RECHARGE 01/01 to 12/31 50 CFS

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Use: MITIGATION 01/01 to 12/31 32 CFS

Total Diversion: 50 CFS

Date Filed: 2/28/2014

Place Of Use: MITIGATION

T07S R13E S2, S10, S11, S12, S13, S14, S15, S16, S21, S22, S23, S24, S25, S26, S27, S28, S33, S34, S35, S36

T07S R14E S7, S18, S19, S30, S31, S32

T08S R13E S1, S2, S3, S4

T08S R14E S5, S6, S8

Place Of Use: IRRIGATION

T07S R13E S36

T07S R14E S31, S32

T08S R14E S6

Place Of Use: GROUND WATER RECHARGE

T08S R14E S5, S8

Total Acres: 651.3

Application proposes appropriating 50 cfs of water from waste water from the North Side Canal Co. system for mitigation, ground water recharge and irrigation purposes to mitigate for existing and future water calls from senior water right holders in the Hagerman area on junior ground water users that are members of the Ground Water Districts (Applicants) in the Eastern Snake Plain Aquifer. The proposed points of diversion are located at the head of the Sandy Pipeline and within the Sandy Ponds approximately 4 miles south and 3 miles east of Hagerman. The application identifies the location of the mitigation use to be within the Hagerman valley area and the irrigation place of use centered approximately 3 miles south and 2 miles east of Hagerman. Ground water recharge is proposed at the Sandy Ponds.

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Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on April 3rd & 10th, 2014

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 27, 2014 10:43 AM
To: Post Register
Subject: LEGAL NOTICE
Attachments: Post Register Cover Letter.docx; 36-17011 & 79135 Ad.docx

Attached please find (1) legal notice being submitted for publication on April 3rd & 10th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2014

LEGAL NOTICE DEPARTMENT

POST REGISTER

PO BOX 1800

IDAHO FALLS, ID 83402

RE: Transfer No. 79135
Water Right No(s): 36-15501, 36-2551, 36-7694

RE: Application For Permit No.(s): 36-17011

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 21, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17011

MAGIC VALLEY GROUND WATER DISTRICT

SOUTHWEST IRRIGATION DISTRICT

NORTH SNAKE GROUND WATER DISTRICT

C/O RANDALL C BUDGE

PO BOX 1391

POCATELLO, ID 83204-1391

Point of Diversion NESW S5 T08S R14E GOODING County Source WASTE WATER Tributary SNAKE RIVER

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Use: GROUND WATER RECHARGE 01/01 to 12/31 50 CFS

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Use: MITIGATION 01/01 to 12/31 32 CFS

Total Diversion: 50 CFS

Date Filed: 2/28/2014

Place Of Use: MITIGATION

T07S R13E S2, S10, S11, S12, S13, S14, S15, S16, S21, S22, S23, S24, S25, S26, S27, S28, S33, S34, S35, S36

T07S R14E S7, S18, S19, S30, S31, S32

T08S R13E S1, S2, S3, S4

T08S R14E S5, S6, S8

Place Of Use: IRRIGATION

T07S R13E S36

T07S R14E S31, S32

T08S R14E S6

Place Of Use: GROUND WATER RECHARGE

T08S R14E S5, S8

Total Acres: 651.3

Application proposes appropriating 50 cfs of water from waste water from the North Side Canal Co. system for mitigation, ground water recharge and irrigation purposes to mitigate for existing and future water calls from senior water right holders in the Hagerman area on junior ground water users that are members of the Ground Water Districts (Applicants) in the Eastern Snake Plain Aquifer. The proposed points of diversion are located at the head of the Sandy Pipeline and within the Sandy Ponds approximately 4 miles south and 3 miles east of Hagerman. The application identifies the location of the mitigation use to be within the Hagerman valley area and the irrigation place of use centered approximately 3 miles south and 2 miles east of Hagerman. Ground water recharge is proposed at the Sandy Ponds.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79135

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Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on April 3rd & 10th, 2014

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 27, 2014 10:45 AM
To: Lewiston Tribune (legals@lmtribune.com)
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune Cover Letter.docx; 36-17011 & 79135 Ad.docx

Attached please find (1) legal notice being submitted for publication on April 3rd & 10th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2014

LEGAL NOTICE DEPARTMENT

LEWISTON TRIBUNE

505 C ST PO BOX 957

LEWISTON, ID 83501

RE: Transfer No. 79135
Water Right No(s): 36-15501, 36-2551, 36-7694

RE: Application For Permit No.(s): 36-17011

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 21, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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C/O RANDALL C BUDGE

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Place Of Use: MITIGATION

T07S R13E S2, S10, S11, S12, S13, S14, S15, S16, S21, S22, S23, S24, S25, S26, S27, S28, S33, S34, S35, S36

T07S R14E S7, S18, S19, S30, S31, S32

T08S R13E S1, S2, S3, S4

T08S R14E S5, S6, S8

Place Of Use: IRRIGATION

T07S R13E S36

T07S R14E S31, S32

T08S R14E S6

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T08S R14E S5, S8

Total Acres: 651.3

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79135

RANGEN INC, PO BOX 706, BUHL, ID 83316; has filed Application No. 79135 for changes to the following water rights within GOODING County(s): Right No(s). 36-15501, 36-2551, 36-7694. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add two points of diversion and refine source descriptions to three existing water rights (36-2551, 36-7694 and 36-15501). The rights presently describe only the Martin-Curren Tunnel. The two additional diversions utilize existing water collection boxes. One is on Billingsley Creek at its head and the other midslope between the Martin-Curren Tunnel and Billingsley Creek. All are located at an existing fish farm located approximately 2.5 mi. south and 2.0 mi. east of the City of Hagerman near Vader Grade on the Wendell-Hagerman Highway. The three diversions will be used to divert up to 76 cfs under the existing rights.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on April 3rd & 10th, 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2014

FRANK ERWIN
WATER DISTRICT #36-A
711 EAST AVE N
HAGERMAN, ID 83332

RE: Transfer No. 79135
Water Right No(s): 36-2551, 36-7694, 36-15501

Dear Mr. Erwin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: March 18, 2014
To: Transfer 79135 File
From: Douglas Jones
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to add 2 points of diversion and refine source descriptions to three existing water rights (36-2551, 36-7694 and 36-15501). The new diversions are existing water collection boxes. One is at the head of Billingsley Creek and the other midslope below the Martin-Curren Tunnel at an existing fish farm located approximately 2.5 mi. south and 2.0 mi. east of the City of Hagerman near Vader Grade on the Wendell-Hagerman Highway. The three diversions will be used to divert up to 76 cfs under the existing rights.

The properties and points of diversions involved with the application are located within Water District 36A. Watermaster comments will be necessary.

Flow rates require that the application be advertised statewide.

- **Authority to File:**
The applicant is listed as the current owner of involved water rights according to IDWR records as well as the involved property.
- **Water Right Validity:**
All three water rights have been decreed in the SRBA. Review of aerial photos indicates that the facilities involved with the transfer have not changed in many years, nor are they proposed to.
- **Injury to Other Water Rights:**
The new diversions have been in place for many years, apparently since development based on the licensing exam for 36-2551. All three diversions are located on the present fish farm property at the very head of Billingsley Creek, no other senior water rights divert from the source(s) between the points of diversion or above the point of return flow from the raceways and Billingsley Creek.
- **Enlargement of Use:**
Could be construed to be an enlargement since diversions lower in the spring complex system provide a stronger source of water. However, it can also be argued that the midslope springs and the box at the head of Billingsley Creek is the same source as tapped by the Martin-Curren Tunnel. Applicants have a Water Right Permit application (36-17002) in process for these same boxes and flows – currently protested by a competing protested water right permit applicant (36-16976) for the same water – and this transfer was filed as an alternative to that process.
- **Local Public Interest:**
No hydrological impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

IDAHO DEPARTMENT OF WATER RESOURCES
Southern Region
650 Addison Ave W.
Suite 500
Twin Falls, Idaho 83301

RECEIVED
MAR 05 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 3, 2014

RE: Application for Water Right Transfer—Rangen, Inc. No. T79135

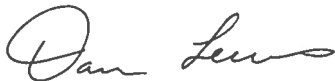
Dear Sirs:

Zions Bank has provided a line of credit to Rangen, Inc. for several years and that line of credit is currently valid. This line of credit is secured with, among other collateral, Water Rights 36-15501, 36-02551, and 36-07694 (Water Rights).

The application for water right transfer proposed appears to request a continuation of the water use for the Rangen Aquaculture Research Center, located in Hagerman, Idaho, which has occurred historically.

Zions Bank has no objection with the proposed transfer of water right identified as No. T79135 for Rangen, Inc. provided its security interest in these Water Rights remains in place.

Sincerely,



Darren Lewis
Senior Vice President
Zions Bank
O # (208) 557-5707

Jones, Doug

From: Jones, Doug
Sent: Monday, March 03, 2014 9:24 AM
To: 'charles.e.brockway@brockwayeng.com'
Subject: Rangen Transfer Application

Dr. Brockway,

As I have progressed through review of the transfer (pending amendment) I found that the water rights are subject to a non-expiring line of credit with Zions First National. As such we need either a release from Zions permitting the transfer to proceed (continuing the security interest) or a release from Zions terminating the security interest.

Thank you for your attention to this matter and I look forward to hearing from, or seeing, you soon. Please give me a call if you will be needing to visit the office regarding the amendment.

Douglas Jones