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*Attorneys for Rangen, Inc.*

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION  
FOR DELIVERY CALL OF RANGEN,  
INC.'S WATER RIGHT NOS. 36-02551  
& 36-07694

(RANGEN, INC.)

Docket No. CM-DC-2011-004

**AFFIDAVIT OF J. JUSTIN MAY IN  
OPPOSITION TO MOTION FOR  
DECLARATORY ORDER**

STATE OF IDAHO            )  
                                          ) ss  
County of Ada             )

J. Justin May, being sworn upon oath, deposes and says:

1. I am one of the attorneys of record for Rangen, Inc. ("Petitioner" or "Rangen") in the above-captioned matter. I am over the age of 18 and state the following based upon my own personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of Memorandum Decision and Order on Petition for Judicial Review, *A&B Irrigation District v. IDWR*, Case No. 2009-000647.

3. Attached hereto are true and correct copies of excerpts from the final disposition transcripts of the following depositions, as referenced in the accompanying *Rangen Inc.'s Response in Opposition to City of Pocatello's Motion for Declaratory Order Regarding Rangen's Legal Obligation to Interconnect*:

- a. Excerpts from the deposition of Charlie E. Smith, taken March 19, 2013, attached as Exhibit B.
- b. Excerpts from the deposition of Thomas L. Rogers, taken March 15, 2013, attached as Exhibit C.
- c. Excerpts from the deposition of John D. Woodling, Ph.D., taken March 18, 2013, attached as Exhibit D.
- d. Excerpts from the deposition of Lonny Tate, taken September 11, 2012, attached as Exhibit E.

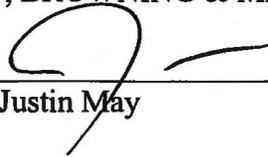
4. Attached hereto as Exhibit F is a true and correct copy of a diagram of the *Rangen Aquaculture Research and Hatchery Permit # ID 130015 Facility/Flow Diagram* referenced as Exhibit 3 in the deposition of Lonny Tate, taken September 11, 2012.

FURTHER AFFIANT SAYETH NAUGHT.

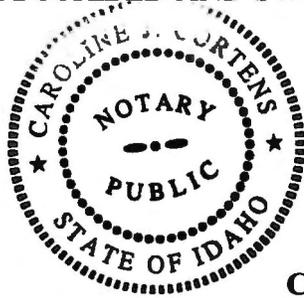
Dated this 22<sup>nd</sup> day of March, 2013.

MAY, BROWNING & MAY

By

  
\_\_\_\_\_  
J. Justin May

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of March, 2013.



Caroline J. Cortens  
 Notary Public for the State of Idaho  
 Residing at Boise, Idaho  
 My Commission expires: 6/26/2014

**CERTIFICATE OF SERVICE**

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 22nd day of March, 2013 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:

<p><b>Original:</b>                  Director Gary Spackman                  Idaho Department of Water Resources                  P.O. Box 83720                  Boise, ID 83720-0098                  deborah.gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input checked="" type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input type="checkbox"/></p>
<p>Garrick Baxter                  Chris Bromley                  Idaho Department of Water Resources                  P.O. Box 83720                  Boise, Idaho 83720-0098                  garrick.baxter@idwr.idaho.gov                  chris.bromley@idwr.idaho.gov                  kimi.white@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Randall C. Budge                  Candice M. McHugh                  RACINE, OLSON, NYE, BUDGE &amp; BAILEY, CHARTERED                  P.O. Box 1391                  101 South Capitol Blvd, Ste 300                  Boise, ID 83704-1391                  Fax: 208-433-0167                  rcb@racinelaw.net                  cmm@racinelaw.net                  bjh@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Sarah Klahn                  Mitra Pemberton                  WHITE &amp; JANKOWSKI</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/></p>

<p>Kittredge Building, 511 16th Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<p>Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt &amp; Simpson, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 flt@idahowaters.com jks@idahowaters.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>C. Thomas Arkoosh Arkoosh Law Offices 802 West Bannock, Suite 900 Boise, ID 83701 Tom.arkoosh@arkoosh.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Jerry R. Rigby Hyrum Erickson Robert H. Wood Rigby, Andrus &amp; Rigby, Chartered 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com herickson@rex-law.com rwood@rex-law.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>

  
J. Justin May