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MAR 17 2009

DEPARTMENT OF  
WATER RESOURCES

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**HAND DELIVERED**

March 17, 2009

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MAR 18 2009

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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Idaho Department of Water Resources  
322 E. Front Street  
Boise, ID 83720-0098

RE: In the Matter of 2009 Water Plan and Third Mitigation Plan (Over the Rim)  
of North Snake Ground Water District and Magic Valley Ground Water District

Dear Sir:

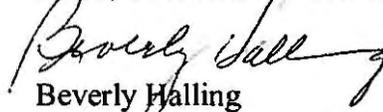
Enclosed please find an original and a copy of the following document for filing in the  
above-referenced matter:

- **Rangen's Written Response to 2009 Water Plan and Third Mitigation Plan (Over the Rim) of North Snake Ground Water District and Magic Valley Ground Water District**
- 

Please file the original and conform the copy. Thank you for your assistance.

Very truly yours,

MAY, SUDWEEKS & BROWNING, LLP

  
Beverly Halling  
Assistant

cc: Clients

Enclosures

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**MAR 17 2009**

**DEPARTMENT OF  
WATER RESOURCES**

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Attorneys for Rangen, Inc.

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF 2009 WATER  
PLAN AND THIRD MITIGATION  
PLAN (OVER THE RIM) OF NORTH  
SNAKE GROUND WATER DISTRICT  
AND MAGIC VALLEY GROUND  
WATER DISTRICT

**(Snake River Farm)**

**RANGEN'S WRITTEN  
RESPONSE TO 2009 WATER  
PLAN AND THIRD  
MITIGATION PLAN (OVER  
THE RIM) OF NORTH  
SNAKE GROUND WATER  
DISTRICT AND MAGIC  
VALLEY GROUND WATER  
DISTRICT**

COMES NOW Rangen, Inc., by and through counsel, pursuant to the Director's Order on Scheduling and Holding Notice of Curtailment in Abeyance and submits this written response to Ground Water District's 2009 Water Plan and Third Mitigation Plan.

1) Like the Ground Water District's Second Mitigation Plan, the proposed 2009 Water Plan and Third Mitigation Plan does not mitigate the effects of junior ground water pumping. The current plan does not in any way address the effects of continued pumping on the aquifer and other water rights.

2) Rule 43.02 of the Conjunctive Management Rules provides that a proposed mitigation plan be considered pursuant to the provisions of Idaho Code § 42-222. Idaho Code § 42-222 provides in part that the Director make a finding that no other water rights are injured by approval.

3) The Ground Water District's 2009 Water Plan and Third Mitigation Plan does not address the cumulative and on going effect that continued out of priority pumping will have on spring flows on Snake River Farm's facility as well as other springs utilized by other senior water rights holders including Rangen.

4) Rangen objects to the 2009 Water Plan and Third Mitigation Plan for the reasons specified in Rangen's protest of the Second Mitigation Plan as well as its Memorandum in Response to Order on Status Conference and Providing Briefing Schedule on Second Mitigation Plan for Monetary Compensation.

5) Rangen also shares the concerns raised by the Director, Clear Springs, and others during the status conference and technical conference.

Dated this 17 day of March, 2009.

MAY, SUDWEEKS & BROWNING, LLP

  
\_\_\_\_\_  
J. Justin May  
Attorneys for Rangen, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that on this 17 day of March, 2009, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

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