

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 10 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- 1. Matter being protested IGWA 's Mitigation Plan for Rangen Inc. % Ranchil C. Budge
- 2. Name of protestant Blind Canyon Aquaranch Inc.
- 3. Protestant's Representative for service (If different than protestant)
Gary Lemmon
- 4. Service mailing address 2757 South 1050 East, Hagerman ID 83332
- 5. Service telephone no. 208-837-4448 Email Address: glemmon@northrim.net
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached page

(additional pages may be attached to describe nature of the protest)

- 7. What would resolve your protest? _____

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 10th day of March, 20 14.

Blind Canyon Aquaranch Inc.
Protestant

[Signature]
Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
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FOR DEPARTMENT USE ONLY

Received by DM Date 3-10-2014 Time 12:00 pm
\$25.00 fee Received by DM # SO33867 Date 3-10-2014

Matter being protested:

(1) IGWA's mitigation plan for the Rangen Inc. delivery call c/o Randall C. Budge, as defined in the January 29, 2014 "Final Order Regarding Rangen Inc.'s Petition for Delivery Call: Curtailing Ground Water Rights Junior to July 13, 1962"

(6) Basis of Blind Canyon Aquaranch Inc.'s protest:

This is not a detailed mitigation plan. Rather it is a wish list of possibilities, none of which has sufficient hydrological justification for proper evaluation. For example, drilling horizontal wells may negatively impact other springs in the Thousand Springs area. Use of vertical wells is a circular argument – if well pumping is partially responsible for causing injury to the Rangen, how can continued pumping offer a mitigation solution? IGWA has not supplied a list of actions, accrued amounts or timing details to effectively evaluate whether any water has accrued in the aquifer to justify credits from conversions, drying up acres or past recharge efforts, or even if any of those actions are still in operation. The direct pump-back option may cause the return of degraded quality water to Billingsley Creek, thereby negatively affecting downstream diverters like Blind Canyon Aquaranch Inc. Use of permit application 36-16976 is simply mitigating Rangen's loss with Rangen's historically-used water, which Blind Canyon Aquaranch Inc. has separately protested. Blind Canyon Aquaranch Inc. reserves the right to amend this protest as necessary pending other reasons that may be brought to light in the course of the hearing on this matter.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2014, I served a true and correct copy of the foregoing *Notice of Protest of IGWA's Mitigation Plan for Rangen Inc.*, by depositing same in the United States mail, postage prepaid, addressed to the following:

IGWA

c/o Randy C. Budge

Racine Olsen Nye Budge & Bailey

PO Box 1391

Pocatello, ID 83204-1391

A handwritten signature in cursive script, appearing to read "Gary Lemmon", is written over a horizontal line.

Gary Lemmon, for Blind Canyon Aquaranch Inc.