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*Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)*

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

IN THE MATTER OF THE MITIGATION  
PLAN FILED BY THE IDAHO GROUND  
WATER APPROPRIATORS FOR THE  
DISTRIBUTION OF WATER TO WATER  
RIGHT NOS. 36-02551 AND 36-07694  
IN THE NAME OF RANGEN, INC.

Docket No. CM-MP-2014-001

**IGWA's Second Mitigation Plan  
and Request for Hearing**

**INTRODUCTIONS**

Idaho Ground Water Appropriators, Inc. (IGWA), through counsel, acting for and on behalf of its members and non-member participants in IGWA's mitigation activities, submits this mitigation plan pursuant to Conjunctive Management Rule 43 to provide additional alternative means of providing direct water flow to Rangen, Inc. (Rangen) to avoid curtailment of junior-priority groundwater rights under the Director's January 29, 2014, *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order"). This is the second mitigation plan submitted by IGWA in response to the Curtailment Order. This plan proposes an additional means of mitigation by delivery water directly to Rangen from Tucker Springs to Rangen. As with the mitigation alternatives outlined in IGWA's first mitigation plan dated February 12, 2014, the mitigation alternative set forth below enables the Director to exercise his authority and discretion in evaluating the factors to be considered under CM Rule 43.

## DESCRIPTION OF MITIGATION PLAN

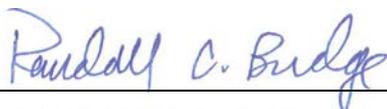
This mitigation plan, referred to herein as the "Tucker Springs Project," will benefit Rangen's water right numbers 36-2551 and 36-7694 which have as their source the Martin-Curren Tunnel. If this plan is approved, IGWA will attempt to acquire the right to use up to 9.1 cfs of water from Tucker Springs owned and operated by the State of Idaho Department of Fish & Game, which would be pumped approximately 1.3 miles to Rangen's place of use near Billingsley Creek. This would enable spring water discharged from the ESPA at Tucker Springs and currently used for fish production year-round to be delivered to Rangen's facilities for fish production year-round. The Tucker Springs Project would require the following which would be timely completed by IGWA at its expense:

- (1) Acquisition of Tucker Springs water rights owned by the State of Idaho;
- (2) Design and construction of a pump station with pumps, motors, and related equipment including necessary redundancy to continuously pump water from Tucker Springs to Rangen;
- (3) Design and construction of approximately 1.3 miles of pipeline to deliver water from Crystal Springs to Rangen;
- (4) Acquisition by purchase or condemnation of the necessary rights of way for the above described facilities and pipeline;
- (5) Permission from Rangen to access its property for engineering and design purposes; and
- (6) An easement from Rangen to construct and operate the pipeline and other facilities necessary to deliver water to Rangen's property.

## REQUEST FOR HEARING

Pursuant to CM Rule 43.02, IGWA requests that this mitigation plan be promptly processed and advertised, and that an expedited scheduling conference be set with notice given to the parties to discuss this mitigation plan and schedule necessary hearings. As this mitigation plan is similar in concept to the other direct water delivery proposals set forth in IGWA's first mitigation plan scheduled for hearing to commence March 17, 2014, IGWA asks that testimony and evidence on this plan be accepted at the same time and preserved to promote efficiency and economy since the same parties are involved.

RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED

By: 

RANDALL C. BUDGE

*Attorneys for IGWA*

March 10, 2014

Date

**CERTIFICATE OF MAILING**

I certify that on this 10<sup>th</sup> day of March, 2014, the foregoing document was served on the following persons in the manner indicated.

*Randall C. Bridge*

Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 <a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
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