

07/2008

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APR 07 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Second Mitigation Plan - Idaho Ground Water Appropriators, Inc. in response to the Rangen, Inc. Water Delivery Call.
- 2. Name of protestant Salmon Falls Land & Livestock Co.
- 3. Protestant's Representative for service (If different than protestant)
Michael J. Henslee, Vice-President
- 4. Service mailing address 95-A Bell Rapids Rd., Hagerman, ID 83332 / and to: Timothy J. Stover Worst, Fitzgerald & Stover, PLLC, P.O.Box 1428 Twin Falls ID 83303
- 5. Service telephone no. (208) 837-6053 or Email Address: mjhenslee@gmail.com
(208) 539-7252 - cell
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

See Attached

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

- 7. What would resolve your protest? See Attached

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 7th day of April, 2014.
Salmon Falls Land & Livestock Co.
by Michael J. Henslee V.P.
Protestant


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 Chick Date 4/7/14 Time 12:30PM
\$25.00 fee Received by Chick # 5033935 Date 4/7/2014

Paragraph 6:

As an agricultural land owner, Salmon Falls Land & Livestock Co. is an appropriator of Upper Tucker Springs water and Riley Creek water, which is a tributary of Upper Tucker Springs. Salmon Falls Land & Livestock Co. would be greatly affected by any inadequately thought plan or inappropriate additional use of Upper Tucker Springs water.

Additionally, the 9.1 CFS the Second Mitigation Plan proposed to move is currently non-consumptive resulting in it benefiting downstream consumptive users such as Salmon Falls Land & Livestock Co. If the water is moved, Salmon Falls Land & Livestock may lose having the benefit of the water.

Paragraph 7:

We, Salmon Falls Land & Livestock Co., would request a seat at the table and a voice to be heard at all future dealings, discussions, and decisions being made that are in response to this Mitigation Plan for the Rangen Water Call or other mitigation.

CERTIFICATE OF MAILING

I certify that on this 7th day of April, 2014, the foregoing **NOTICE OF PROTEST** was served on the following persons in the manner indicated.

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

Randall C. Budge	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid
Thomas J. Budge	<input type="checkbox"/> Hand Delivered
RACINE OLSON NYE BUDGE	<input type="checkbox"/> Overnight Mail
& BAILEY, CHARTERED	<input type="checkbox"/> Facsimile
P.O. Box 1391	<input type="checkbox"/> E-mail
Pocatello, ID 83204	
rbc@racinelaw.net	
tjb@racinelaw.net	

Garrick Baxter	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid
Chris Bromley	<input type="checkbox"/> Hand Delivered
Idaho Department of Water Resources	<input type="checkbox"/> Overnight Mail
P.O. Box 83720	<input type="checkbox"/> Facsimile
Boise, Idaho 83720-0098	<input type="checkbox"/> E-mail
garrick.baxter@idwr.idaho.gov	
chris.bromley@idwr.idaho.gov	

Robyn M. Brody	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid
Brody Law Office, PLLC	<input type="checkbox"/> Hand Delivered
PO Box 554	<input type="checkbox"/> Overnight Mail
Rupert, ID 83350	<input type="checkbox"/> Facsimile
rbrody@cableone.net	<input type="checkbox"/> E-mail
robynbrody@hotmail.com	

Fritz X. Haemmerle	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid
Haemmerle & Haemmerle, PLLC	<input type="checkbox"/> Hand Delivered
P.O. Box 1800	<input type="checkbox"/> Overnight Mail
Hailey, ID 83333	<input type="checkbox"/> Facsimile
fxh@haemlaw.com	<input type="checkbox"/> E-mail

J. Justin May	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid
May, Browning & May, PLLC	<input type="checkbox"/> Hand Delivered
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Boise, ID 83702	<input type="checkbox"/> Facsimile
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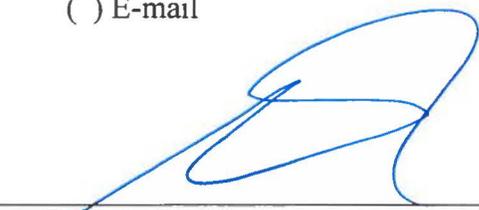
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Timothy J. Stover, Protestant's Representative
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