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Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

**IN THE MATTER OF THE SECOND
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.**

CM-MP-2014-003
CM-DC-2011-004

**RANGEN'S NOTICE OF
ACCEPTANCE OF DELIVERY OF
WATER UNDER IGWA'S SECOND
MITIGATION PLAN**

**IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
02551 AND 36-07694
(RANGEN, INC.)**

WHEREAS, on June 20, 2014, the Director of the Idaho Department of Water Resources ("Director") issued an *Order Approving IGWA's Second Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order* ("Order");

WHEREAS, the Order conditionally approved IGWA's Second Mitigation Plan subject to IGWA doing the following: instituting preventive measures to address PKD, such as treating

**RANGEN'S NOTICE OF ACCEPTANCE OF DELIVERY
OF WATER UNDER IGWA'S SECOND MITIGATION PLAN - 1**

the lower pool to kill the intermediate host, disinfecting pipelines that may contain PKD or the intermediate host, and covering the spring area; and designing and placing the diversion box at a location closer to the spring source to limit potential exposure to disease (*Order*, p. 18); and

WHEREAS, the Director Ordered IGWA to deliver the Tucker Springs water to Rangen no later than January 19, 2015 (*Order*, p. 18);

WHEREAS, over Rangen's objections to IGWA's Second Mitigation Plan, the Director Ordered Rangen to accept this water, and if not accepted, IGWA's mitigation obligation would be suspended (*Order*, p. 18);

NOW THEREFORE, RANGEN HEREBY PROVIDES NOTICE that Rangen will comply with the Director's Order and accept the water. Rangen will allow construction on its land related to placement of the delivery pipeline. By delivering this Notice, Rangen does not waive any right to seek judicial review of the Order, including, but not limited to, the right to raise issues concerning the presence of PKD in the Tucker Springs water, the risk of harm PKD presents to Rangen's Research Hatchery. Rangen does not waive any cause of action it may have against IGWA or the Department for damages caused by the delivery of water from Tucker Springs including, but not limited to, the introduction of disease or the failure of the water system.

DATED this 8 day of July, 2014.

HAEMMERLE & HAEMMERLE, P.L.L.C.

By 
Fritz X. Haemmerle

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 8 day of July, 2014 he caused a true and correct copy of the foregoing document to be served by the method shown upon the following:

<p>Original: 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 type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Garrick Baxter IDAHO DEPARTMENT OF WATER RESOURCES P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@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 Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 101 South Capitol Blvd, Ste 300 Boise, ID 83704-1391 Fax: 208-433-0167 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>John K. Simpson Paul L. Arrington BARKER ROSHOLT & SIMPSON, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com pla@idahowaters.com</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Almer Huntley, Jr. BIG BEND IRRIGATION & MINING CO. 2721 S. 900 E. Hagerman, ID 83332</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/></p>

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Michael Henslee SALMON FALLS LAND & LIVESTOCK 95 A Bell Rapids Rd. Hagerman, ID 83332 mjhenslee@gmail.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
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