

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 03 2014
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 IGWA's Amended 3rd Mitigation Plan to Mitigate Injury to Water Rights Nos. 36-02551 and 36-07694 by Rangen Inc.
- 2. Name of protestant Kathleen McKenzie
- 3. Protestant's Representative for service (If different than protestant)

- 4. Service mailing address P.O. Box 109 Hagerman, ID 83332
- 5. Service telephone no. 208 293-2128 Email Address: Knbmac@g.com

- 6. Basis of protest (including statement of facts and law upon which the protest is based)
 - ① ~~ICAW~~ IGWA's application for water rights permit #36-16976
 - ② Rangen Inc. application for water rights permit #36-17002

See ~~Att~~ Attached Page
(additional pages may be attached to describe nature of the protest)

- 7. What would resolve your protest? Keeping The curtailments that are in place with the possibility of increased curtailments on Junior - priority ground water users's rights

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 2nd day of July, 2014.
Kathleen McKenzie
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 DS Date 7/3/14 Time 9:45AM
\$25.00 fee Received by DS # C099117 Date 7/3/14

I, Kathleen McKenzie, water right holder, s36-82B, protest the IGWA Amended 3rd plan to mitigate material injury held by Rangen Inc., Rights Nos. 36-02551 and 36-07694 and other water right holders in district 36A.

1.) The terms concerning the re-engineering of the Curren Tunnel, “may increase” and “expected to increase” water flow to “12 cfs” are speculative.

2.) IGWA’s pending application for water rights permit #36-16976 to appropriate 12cfs of water from Springs/Billingsley Creek will remove that water from other Senior-priority surface water right holders and create more injury to water right holders in district 36A. The permit, if any, should address only the amount of increase of water flow, if any, the re-engineering might be successful in producing.

3.) Regan Inc. application for permit #36-17002 to remove water from Billingsley Creek will compound the loss of water from this source and result in injury to other Senior-priority water right holders in district 36A.

4.) In short, stealing from Peter to pay Paul will not solve the problem of Junior-priority ground water holders decreasing the flow of water to the springs of Senior-priority water holders. Strict curtailments need to stay in place with the possibility of increased curtailments on Junior-priority ground water users. Thank You

Kathy McKenzie

P.O. Box 109 Hagerman, ID 83332

208-293-2128

Sincerely,

Handwritten signature of Kathy McKenzie in cursive script.

Certificate Of Service

1. I Hereby Certify that on July 2nd, 2014, I served a copy of my protest of the Amended 3rd plan to mitigate material injury held by Rangen Inc. and other water rights holders in water district 36A to the persons listed below by method of prepaid U.S. Mail.

Randall C. Budge
Thomas J Budge
Racine Olson Nye Budge & Bailey Chartered
201 E Center Street
PO Box 1391
Pocatello, ID 83204

Idaho Ground Water Appropriators, Inc.
1109 W Main, Suite 300
PO Box 2624
Boise, ID. 83701

Sincerely,

Kathy McKenzie
July 2nd 2014

Idaho Department of Water Resources Receipt

Receipt ID: C099117

Payment Amount \$25.00 Date Received 7/3/2014 9:02 AM Region STATE
Payment Type Check Check Number 551
Payer MCKENZIE, KATHY M
Comments PROTEST REGARDING IGWA'S 3RD MITIGATION PLAN

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	56103	0229	21		1155



Signature Line (Department Representative)