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**RECEIVED**  
**JUL 07 2014**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

*Attorneys for Buckeye Farms, Inc.*

**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-2014-01

**PROTEST TO IGWA'S AMENDED THIRD  
MITIGATION PLAN**

BUCKEYE FARMS, INC. (the "Buckeye"), by and through their attorneys of record, file this *Protest* to the *Second Mitigation Plan and Request for Hearing*, filed by the Idaho Ground Water Appropriates, Inc. ("IGWA") on June 10, 2014 in the above matter. This protest is filed pursuant to Rule 43 of the CM Rules and Rule 250 of the Department's Rules of Procedure.

IGWA's third mitigation plan proposes to several activities that, it alleges, will mitigate for material injury suffered by Rangen. Buckeye protests the third mitigation plan for the following reasons:

1. IGWA have failed to demonstrate that the proposed actions will not jeopardize spring flows. For example, IGWA proposes to make "improvements" to the Curren Tunnel. It concludes that "may increase the net discharge." However, it cannot show that the actions will not jeopardize spring flows.

2. IGWA fails to show that it meets the requirements of CM Rule 43 addressing standards for mitigation plans.

3. IGWA should be required to commit to the 2<sup>nd</sup> Mitigation Plan or relinquish it prior to IDWR and the parties expending time and resources addressing the merits of the 3<sup>rd</sup> Mitigation Plan. *See Rule 43.j (Public interest).*

4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

Accordingly, Buckeye protests IGWA's amended third mitigation plan and requests that the Director deny and dismiss that plan.

DATED this 7<sup>th</sup> day of July, 2014.

**BARKER ROSHOLT & SIMPSON LLP**



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John K. Simpson  
Paul L. Arrington

*Attorneys for Buckeye Farms, Inc.*

**CERTIFICATE OF SERVICE**

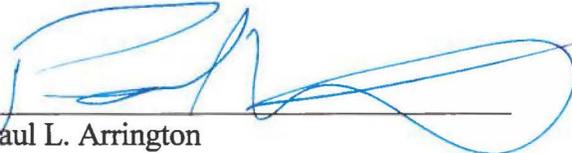
I hereby certify that on this 7<sup>th</sup> day of July, 2014, I served a copy of the foregoing

**PROTEST TO IGWA'S SECOND MITIGATION PLAN**, by hand-delivery to the following:

Idaho Department of Water Resources  
Southern Region  
650 Addison Ave. W., Suite 500  
Twin Falls, ID 83301

And by U.S. Mail to:

Randall C. Budge  
Thomas J. Budge  
**Racine Olson Nye Budge & Bailey, chartered**  
P.O. Box 1391  
Pocatello, Idaho 83204  
(208) 232-6109 – fax

  
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Paul L. Arrington

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Fee: \$25.00

Receipt No. 5034141

Receipt by: DM

Date Received: 7-7-2014