

07/2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
JUL 07 2014  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

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 Third Mitigation Plan for Water Right Nos 36-02551 & 36-07694

2. Name of protestant U.S. Fish and Wildlife Service

3. Protestant's Representative for service (If different than protestant)  
Tim Mayer, Branch Chief, Water Resources Branch, U.S. Fish and Wildlife Service

4. Service mailing address 911 NE 11th Ave, Portland OR, 97232-4181

5. Service telephone no. 503 231-2395 Email Address: tim\_mayer@fws.gov

6. Basis of protest (including statement of facts and law upon which the protest is based)

The United States is protesting this plan because the plan has neither addressed nor satisfactorily mitigated potential injury to senior water right holders in the Thousand Springs Area, with the exception of Rangen. The United States holds senior water rights to springflows at Hagerman NFH. Those springflows have declined in the last few decades. The plan attempts to limit all future calls on the groundwater users by senior surface water right holders. The plan does not mitigate injury to those other senior users and in attempting to limit future calls, does not adhere to Idaho's Conjunctive Management Rules or the Prior Appropriation doctrine.  
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? \_\_\_\_\_

Full restoration of springflows to the hatchery or the ability of the United States to call on junior groundwater water right holders in the future in the event that the hatchery springflows continue to decline.

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

U.S. Fish and Wildlife Service  
Protestant

Tim Mayer  
Protestant's Representative

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. 5034130

Receipt by: Dm

Date Received: 7-7-2014

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2014, the above and foregoing document was served on the following by providing a copy of the *Protest of IGWA's Amended 3<sup>rd</sup> Mitigation Plan in response to the Rangen Inc. Water Delivery Call* in the manner selected:

J JUSTIN MAY  
MAY BROWNING & MAY PLLC  
1419 W WASHINGTON  
BOISE ID 83702-5039  
jmay@maybrowning.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

ROBYN BRODY  
BRODY LAW OFFICE PLLC  
PO BOX 554  
RUPERT ID 83350-0554  
robynbrody@hotmail.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

FRITZ X HAEMMERLE  
HAEMMERLE HAEMMERLE  
PO BOX 1800  
HAILEY ID 83333-1800  
fxh@haemlaw.com

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

IDAHO GROUND WATER APPROPRIATORS INC.  
C/O RANDY C. BUDGE  
RACINE OLSON NYE BUDGE & BAILEY  
PO BOX 1391  
POCATELLO ID 83204-1391  
rcb@racinelaw.net  
tjb@racinelaw.net

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

IDAHO GROUND WATER APPROPRIATORS INC.  
PO BOX 2624  
1109 WEST MAIN, SUITE 300  
BOISE, ID 83701

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

DIRECTOR GARY SPACKMAN  
IDAHO DEPARTMENT OF WATER RESOURCES  
PO BOX 83720  
322 EAST FRONT STREET  
BOISE, ID 83720-0098  
Deborah.Gibson@idwr.idaho.gov

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

  
\_\_\_\_\_