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*Attorneys for Little Sky Farms*

RECEIVED  
JUL 07 2014  
DEPARTMENT OF  
WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

IN RE IGWA'S AMENDED THIRD  
PLAN TO MITIGATE MATERIAL  
INJURY TO WATER RIGHT NOS. 36-  
02551 & 36-07694 HELD BY RANGEN,  
INC., AND OTHER WATER RIGHTS  
IN WATER DISTRICT 36A.

Docket No. CM-MP-2014-005

**LITTLE SKY FARMS' PROTEST TO  
IGWA'S AMENDED THIRD  
MITIGATION PLAN**

COMES NOW Little Sky Farms, holder of Water Right No. 37-7480, by and through its counsel of record, C. Tom Arkoosh of Arkoosh Law Offices, pursuant to the provisions of Rule 43 of the Conjunctive Management Rules, Rule 250 of the Rules of Procedure of the Idaho Department of Water Resources, and other applicable law, and hereby protests the proposed Amended Third Mitigation Plan ("Third Mitigation Plan") of the Idaho Ground Water Users Association ("IGWA").

The name and address of the representative of Little Sky Farms is: C. Tom Arkoosh, Arkoosh Law Offices, 802 W. Bannock St., Ste. 900 [83702], P.O. Box 2900, Boise, Idaho 83701.

The grounds of this Protest, among others, is the failure of the proposed Third Mitigation Plan to address, as required by Rule 43(m), "future participation on an equitable basis by any groundwater pumpers who divert water under junior priority rights but who do not initially participate in such mitigation plan."

The Idaho Legislature has set out the equitable nature of such participation in Idaho Code § 42-5259, which provides that the non-member pay its proportionate share only for those plans in which the non-member participates.

WHEREFORE, Little Sky Farms requests that the Director deny and dismiss the Third Mitigation Plan, and for such other and further relief as the Director deems proper in the circumstances.

DATED this 7th day of July, 2014.



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C. Tom Arkoosh  
E-mail: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

Attorneys for Little Sky Farms

**CERTIFICATE OF MAILING**

I hereby certify that on the 7th day of July, 2014, the foregoing document was served on the following persons in the manner indicated:

Director, Gary Spackman	<input type="checkbox"/>	U.S. Mail, postage prepaid
Idaho Department of Water Resources	<input checked="" type="checkbox"/>	Hand Delivery
322 East Front Street	<input type="checkbox"/>	Overnight Courier
P.O. Box 83720	<input type="checkbox"/>	Facsimile
Boise, ID 83720-0098	<input checked="" type="checkbox"/>	Email
<u>Deborah.Gibson@idwr.idaho.gov</u>		

Garrick Baxter	<input type="checkbox"/>	U.S. Mail, postage prepaid
Emmi Blades	<input type="checkbox"/>	Hand Delivery
Idaho Department of Water Resources	<input type="checkbox"/>	Overnight Courier
P.O. Box 83720	<input type="checkbox"/>	Facsimile
Boise, ID 83720-0098	<input checked="" type="checkbox"/>	Email
<u>Garrick.baxter@idwr.idaho.gov</u>		
<u>Emmi.blades@idwr.idaho.gov</u>		

Robyn M. Brody	<input type="checkbox"/>	U.S. Mail, postage prepaid
Brody Law Office, PLLC	<input type="checkbox"/>	Hand Delivery
P.O. Box 554	<input type="checkbox"/>	Overnight Courier
Rupert, ID 83350	<input type="checkbox"/>	Facsimile
<u>robynbrody@hotmail.com</u>	<input checked="" type="checkbox"/>	Email

Fritz X. Haemmerle	<input type="checkbox"/>	U.S. Mail, postage prepaid
Haemmerle & Haemmerle, PLLC	<input type="checkbox"/>	Hand Delivery
P.O. Box 1800	<input type="checkbox"/>	Overnight Courier
Hailey, ID 83333	<input type="checkbox"/>	Facsimile
<u>fxh@haemlaw.com</u>	<input checked="" type="checkbox"/>	Email

J. Justin May	<input type="checkbox"/>	U.S. Mail, postage prepaid
May, Browning & May, PLLC	<input type="checkbox"/>	Hand Delivery
1419 W. Washington	<input type="checkbox"/>	Overnight Courier
Boise, ID 83702	<input type="checkbox"/>	Facsimile
<u>jmay@maybrowning.com</u>	<input checked="" type="checkbox"/>	Email



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C. Tom Arkoosh

# Idaho Department of Water Resources Receipt

Receipt ID: C099133

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Payment Amount \$25.00      Date Received 7/7/2014 2:46 PM      Region      STATE  
Payment Type Check      Check Number 2033  
Payer ARKOOSH LAW OFFICES PLLC  
Comments PROTEST REGARDING IGWA'S 3RD MITIGATION PLAN FOR LITTLE SKY FARMS

## Fee Details

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

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Signature Line (Department Representative)