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OCT 07 2014

DEPARTMENT OF
WATER RESOURCES

Response to IGWA'S Discovery Request—Interrogatory # 1 and 2

I, Kathy McKenzie, oppose the proposal of IGWA obtaining ownership/control of water rights #36-1011, #36-2734, #36-15476, #36-2414, and #36-2338, in return for control/lease of water rights # 36-02551 and # 36-07694 as submitted in their 4th Mitigation to satisfy the Ragen Inc. water call. In following Rule 43.01 and 43.03 of the Conjunctive Management Rules, there is clearly lack of information with only statements of speculation in regards to these water rights and this plan of exchanging them.

IGWA fails to state alternatives to this plan if “circumstances or limitations on the availability of such supplies” (for this exchange) can not be met. IGWA also fails to clarify how the control/ownership of these 5 spring water rights will not injure any other senior water right holders. With the possibility of two long term leases on these 5 water rights between three different parties (IDWB to IGWA and IGWA to Sea Pak) there is no information on how the “plan will provide for monitoring and adjustments necessary to protect senior-priority water rights from material injury.”

Kathy McKenzie

**BUCKEYE DITCH COMPANY, INC.
P. O. BOX 425
HAGERMAN, ID 83332-0425**

August 15, 2014

To Whom It May Concern:

Bret McKenzie has paid water assessments for 6 shares of water and used the water for more than twenty years.

**If you have any questions or need further information please contact me at:
837-6498 or 539-6499.**

**Pat Winther
Secretary/Treasurer**

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/3/2014

Water Right 36-82B

Owner Type **Name and Address**
Current Owner BRET A MC KENZIE
 PO BOX 472
 HAGERMAN, ID 83332
 (208)837-4875

Current Owner KATHY M MC KENZIE
 PO BOX 472
 HAGERMAN, ID 83332
 (208)837-4875

Priority Date: 1/2/1891

Basis: Decreed

Status: Active

Source
BILLINGSLEY CREEK

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	2/15	11/30	0.120 CFS	
	Total Diversion		0.120 CFS	

Source and Point(s) of Diversion

BILLINGSLEY CREEK SESENE Sec. 11, Twp 07S, Rge 13E, GOODING County

Place Of Use

IRRIGATION within GOODING County

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07S	13E	11																	3.0	3.0

POU Total Acres: 3.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

Combined Use Limits

N/A

SubCase:

N/A

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Interrogatory Responses #3 #4 #5 #6

Interrogatory 3: The 4th Mitigation Plan is a plan that over exceeds the acquisition of water rights needed to fulfill the 9.1cfs it is suppose to be mitigating. The process of diverting water from one source to another will not ever replace the water that has been appropriated and is gone. Mitigation plans must not injure other water rights or shift the burden of a declining water supply to other senior water rights. I know of no modifications at this time that will make this 4th plan acceptable to me.

Interrogatory 4:

A) Water Right # believed will be injured—36-82B and all other senior-priority rights holders below the Aqua Life Facility.

B) The POD and POU are stated correctly on the water rights.

C) Records of water use for the last 10 and more years are available though the Buckeye Ditch Company Inc. and on enclosed statement from them.

D) 3 acres for the last 10 irrigation seasons have used water right #36-82B

E) I have used water right 36-82B continuously each irrigation sea to grow Alfalfa and produce for truck garden enterprise.

Interrogatory 5: I reserve the right to call witnesses identified by all parties.

Interrogatory 6: Copy of water right and diversion is attached. I have not identified ant other exhibits at this time and will provide exhibits as they are identified.

Certificate of Service

I hereby certify that on this day Oct. 7th, 2014, I caused to be served a true and correct copy of my responses to IGWAs first set of discovery request by E-Mail To:

Randall C. Budge

Thomas J. Budge

Racine Olson Nye Budge & Bailey, Chartered

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Kathy M McKenzie