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Attorneys for Respondents

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

RANGEN, INC.

Petitioner,

vs.

GARY SPACKMAN, in his capacity as  
Director of the Idaho Department of Water  
Resources, and THE IDAHO DEPARTMENT  
OF WATER RESOURCES

Respondents,

and

THE IDAHO GROUND WATER  
APPROPRIATORS, INC.

Intervenor.

**Case No. CV-2014-272**

**AFFIDAVIT OF GARRICK L.  
BAXTER IN SUPPORT OF  
MOTION TO DISMISS**

STATE OF IDAHO            )  
  ) ss  
County of Ada                )

I, GARRICK L. BAXTER, being first duly sworn upon oath, depose and say:

1.       That I am a deputy attorney general and represent the Respondents in the above-captioned matter.

2.       That on March 24, 2014, Rangen, Inc. (“Rangen”), filed a petition for judicial review of the *Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962*. A true and correct copy of the petition for judicial review is attached as “Exhibit 1”.

3.       That on May 16, 2014, the Director of the Idaho Department of Water Resources (“Director”) issued the *Final Order on Reconsideration* in case nos. CM-MP-2014-001 and CM-DC-2011-004. A true and correct copy of this order is attached as “Exhibit 2”.

4.       That on May 16, 2014, the Director issued the *Amended Order Approving in Part and Rejecting in Part IGWA’s Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order*. A true and correct copy of this order is attached as “Exhibit 3”.

5.       That on June 13, 2014, Rangen filed a petition for judicial review in case no. CV-2014-2446. A true and correct copy of this petition for judicial review is attached as “Exhibit 4”.

6.       That on July 17, 2014, Rangen filed a petition for judicial review of the Director’s *Order Approving IGWA’s Second Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order*. A true and correct copy of this petition for judicial review is attached as “Exhibit 5”.

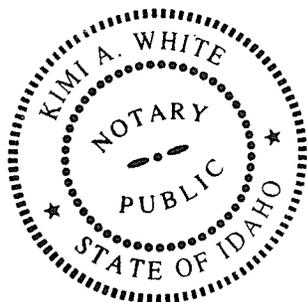
7. That on October 29, 2014, the Director issued the *Order Approving IGWA's Fourth Mitigation Plan*. A true and correct copy of this order is attached as "Exhibit 6".

8. That on November 3, 2014, the Director issued the *Order Denying Motion for Summary Judgment; Order Regarding Presentation of Evidence*. A true and correct copy of this order is attached as "Exhibit 7".

DATED this 25<sup>TH</sup> day of November 2014.

  
\_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General  
Idaho Department of Water Resources

SUBSCRIBED AND SWORN to before me this 25<sup>th</sup> day of November 2014.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise, Idaho  
Commission Expires: 2/1/16

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of November 2014, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the methods indicated:

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SRBA DISTRICT COURT  
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GARRICK L. BAXTER  
Deputy Attorney General

# **Exhibit 1**

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2 **BRODY LAW OFFICE, PLLC**  
3 **P.O. Box 554**  
4 **Rupert, ID 83350**  
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DISTRICT COURT  
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5 **Fritz X. Haemmerle (ISB No. 3862)**  
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12 **Attorneys for Petitioner, Rangen, Inc.**

13  
14 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**  
15 **STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

16 **RANGEN, INC., an Idaho Corporation,**

17 **Petitioner,**

18 **vs.**

19 **IDAHO DEPARTMENT OF WATER**  
20 **RESOURCES and Gary Spackman, in his**  
21 **official capacity as Director of the Idaho**  
22 **Department of Water Resources,**

23 **Respondent.**

) **Case No. CV- 2014-1338**

) **PETITION FOR JUDICIAL REVIEW**

) **L(3): \$96.00**

24 **COME NOW the Petitioner, RANGEN, INC. ("Petitioner" or "Rangen"), by and through**  
25 **its attorneys of record, Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C.; Robyn M.**  
**Brody of Brody Law Office, PLLC; and J. Justin May of May Browning & May, PLLC, and**

1 pursuant to Idaho Code Sections 67-5270 through 67-5279 and I.R.C.P. 84 files this Petition for  
2 Judicial Review as follows:

3 **PETITION FOR JUDICIAL REVIEW**

4 1. Petitioner owns and operates a fish research and propagation facility in the  
5 Thousand Springs area near Hagerman, Gooding County, State of Idaho. The Petitioner  
6 Corporation is located and generally operates its business out of Buhl, Twin Falls County, State  
7 of Idaho

8 2. The Petitioner operates the facility with several water rights. Because the  
9 Petitioner was not receiving the amount of water it rightfully possess under water rights 36-  
10 02551 and 36-07694, Rangen filed a water call under the Idaho's Constitution, statutes and rules  
11 adopted by the Respondent, Idaho Department of Water Resources (hereinafter "Respondent" or  
12 "Department"), for conjunctive administration of water rights. The water call was filed on  
13 December 13, 2011. This matter came before the Department based on a contested case ("water  
14 call") in Department Case No. CM-DC-2011-004.  
15

16 3. Name of agency from which judicial review is sought: Idaho Department of  
17 Water Resources ("Respondent") and its Director Gary Spackman, an agency of the State of  
18 Idaho.

19 4. The Petition is taken to the District Court of the Fifth Judicial District, County of  
20 Twin Falls.

21 5. Decision being appealed: Between May 1 through the 16 of May, 2013, the  
22 Department, by and through its Director, Gary Spackman, held a contested hearing on Rangen's  
23 water call. On January 29, 2014, the Director issued his "Final Order Regarding Rangen, Inc.'s  
24 Petition for Delivery Call; Curtailing Ground Water Junior to July 13, 1962" (hereinafter "Final  
25

1 Order"). Thereafter, parties to the contested case filed Motions for Reconsideration of the Final  
2 Order. On March 4, 2014, the Director issued his "Order on Reconsideration." The Petitioner is  
3 appealing both Orders, all in Department of Water Resources Case No. CM-DC-2011-004.

4 6. A transcript of all proceedings in Case No. CM-DC-2011 is requested. The  
5 contested hearing between May 1 through 16, May, 2013, was believed to have been recorded by  
6 the Department. Also, there was a transcript prepared by M&M Court Reporters, Boise, Idaho.  
7 All other proceedings, including monthly status conferences, were recorded by the Department.

8 7. Petitioner has requested an estimate for preparation of the transcript and record,  
9 and Petitioner has tendered an estimated fee for same.

10 8. The Petitioner's substantial rights have been prejudiced by the Department's Orders  
11 including, but not necessarily limited to the diminishment of water rights, 36-02551 and 36-  
12 07694, as those rights were Decreed by the Snake River Basin Water Adjudication and permitted  
13 and licensed by the Department, and the failure of the Department to account for all water  
14 available to it from this water call under the operation of the Department's ground water model,  
15 ESPAM2.1, and the Director's Final Order and Order on Reconsideration have denied the  
16 Petitioner's rights to receive its legally entitled water under water rights duly perfected under  
17 Idaho law.  
18

19 9. Under the standards of evaluation as set forth under Idaho Code Section 67-5279,  
20 the Final Order and Order on Reconsideration:

- 21 a. are in violation of constitutional, statutory provisions or administrative rules  
22 of the Department;  
23 b. are in excess of the statutory authority or authority of the Department under  
24 the administrative rules of the Department;  
25

1 c. were made upon unlawful procedures; and

2 d. were arbitrary, capricious, and/or an abuse of the agency discretion.

3 10. The issues presented for the appeal, as identified in paragraph 9, and as more  
4 specifically identified in this paragraph include, but are not necessarily limited to, the following:

5 a. Whether as a matter of fact or law that Rangen's decreed source under water  
6 rights 36-02551 and 36-07694, the "Martin Curren Tunnel," encompasses the  
7 entire spring complex that forms the headwaters of Billingsley Creek, as opposed  
8 to just water emanating from the Martin Curren Tunnel.

9 b. Whether as a matter of fact and law that Rangen's Partial Decrees under 36-02551  
10 and 36-07694 allow the diversion of the springs that form the headwaters of  
11 Billingsley Creek, as opposed to just water emanating from the Martin Curren  
12 Tunnel.

13 c. Whether the Department is estopped from concluding Rangen is not entitled to  
14 divert from entire talus slope, as opposed to just the water emanating from the  
15 Martin Curren Tunnel, based on prior decisions of Director and prior inactions  
16 and conclusions of Department staff

17 d. Whether under a curtailment run made under ESPAM2.1, the conclusion that  
18 Rangen is entitled to 63% of the spring flow in the Rangen Cell is supported by  
19 substantial evidence in the record as a whole and, based on Rangen's Decrees, is  
20 supported as a matter of law.

21 e. Whether as a matter of fact or law that the junior user parties failed to  
22 demonstrate their own efficient use of water without waste.

23 f. Whether Finding 51 of the Final Order is supported by substantial evidence in the  
24 record as a whole (Weir Coefficient).  
25

1 g. Whether the use of a trim line is supported by agency rules, justified by on  
2 substantial evidence in the record, or does the use of a trim line constitute an  
3 arbitrary and capacious decision.

4 h. Whether, if a trim line is not an arbitrary or capacious decision, the citation to  
5 prior trim lines as set forth in Conclusions 42 through 46 of the Final Order are  
6 entirely unrelated to the operation of ESPAM2.1 in this water call.

7  
8 11. Petitioner reserves the right to file a separate statement of the issues within  
9 fourteen (14) days after the filing of this Petition.

10 12. Other parties to the Case included the City of Pocatello, the Idaho Ground Water  
11 Appropriators, Inc. ("IGWA"), and the A&B Irrigation District, American Falls Reservoir  
12 District # 2, Burley Irrigation District, Miler Irrigation District, Minidoka Irrigation District,  
13 North Side Canal Company and Twin Falls Canal Company (collectively, the "Surface Water  
14 Coalition" or "SWC").

15 13. Service of this Petition has been made on the Department, and notice of this filing  
16 has been made on parties to the contested case in CM-DC-2011-004.

17 **DEMAND FOR ATTORNEY FEES AND COSTS**

18 As a result of the Department's actions, Petitioner has had to retain counsel. For services  
19 rendered, the Petitioner is entitled to attorney fees and costs should they prevail in this action  
20 pursuant to Idaho Code Section 12-117 and pursuant to Rule 54 of the Idaho Rules of Civil  
21 Procedure.  
22

23 **RIGHT TO AMEND**

24 The Petitioner reserve the right to amend this Petition in any respect as motion practice  
25 and discovery proceed in this matter.

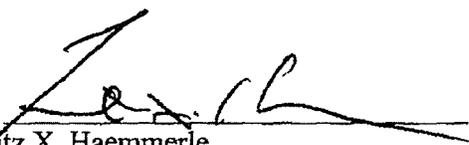
1 WHEREFORE, the Petitioner prays for the following relief:

- 2 A. A finding that the Final Order and Order on Motion for Reconsideration was:
- 3 a. is in violation of constitutional, statutory provisions or current administrative
- 4 rules of the Department;
- 5 b. is in excess of the statutory authority or administrative rules of the
- 6 Department;
- 7 c. were made upon unlawful procedures; and
- 8 d. were arbitrary, capricious, and/or an abuse of the agency discretion.
- 9 B. That the Court set aside the Orders, in whole or part, and/or remand the Orders
- 10 back for further proceedings;
- 11 C. For an award of reasonable costs and attorneys' fees pursuant to applicable law,
- 12 including but not limited to Idaho Code Section 12-117, and Idaho Rule of Civil
- 13 Procedure 54; and
- 14
- 15 D. For such other and further relief as the Court deems just and equitable.

16 RESPECTFULLY SUBMITTED this 25 day of March, 2014.

17 HAEMMERLE & HAEMMERLE, P.L.L.C.

18

19 By:   
20 Fritz X. Haemmerle

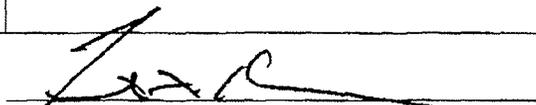
**CERTIFICATE OF SERVICE**

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the \_\_\_\_\_ day of March, 2014 she caused a true and correct copy of the foregoing document to be served upon the following as indicated:

<p><b>Original:</b>                  Director Gary Spackman                  Idaho Department of Water Resources                  P.O. Box 83720                  Boise, ID 83720-0098                  deborah.gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input checked="" type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Garrick Baxter                  Idaho Department of Water Resources                  P.O. Box 83720                  Boise, Idaho 83720-0098                  garrick.baxter@idwr.idaho.gov                  chris.bromley@idwr.idaho.gov                  kimi.white@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Randall C. Budge                  TJ Budge                  RACINE, OLSON, NYE, BUDGE &amp; BAILEY, CHARTERED                  201 E. Center Street                  P.O. Box 1391                  Pocatello, ID 83204                  rcb@racinelaw.net                  tjb@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input checked="" type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Sarah Klahn                  Mitra Pemberton                  WHITE &amp; JANKOWSKI                  Kittredge Building,                  511 16th Street, Suite 500                  Denver, CO 80202                  sarahk@white-jankowski.com                  mitrap@white-jankowski.com</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input checked="" type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Dean Tranmer                  City of Pocatello                  P.O. Box 4169                  Pocatello, ID 83201                  dtranmer@pocatello.us</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input checked="" type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>

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John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 flt@idahowaters.com jks@idahowaters.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
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Fritz X. Haemmerle

# Exhibit 2

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

<b>IN THE MATTER OF THE MITIGATION</b>	)	<b>CM-MP-2014-001</b>
<b>PLAN FILED BY THE IDAHO GROUND</b>	)	<b>CM-DC-2011-004</b>
<b>WATER APPROPRIATORS FOR THE</b>	)	
<b>DISTRIBUTION OF WATER TO WATER</b>	)	<b>FINAL ORDER ON</b>
<b>RIGHT NOS. 36-02551 AND 36-07694</b>	)	<b>RECONSIDERATION</b>
<b>IN THE NAME OF RANGEN, INC.</b>	)	
_____	)	
	)	
<b>IN THE MATTER OF DISTRIBUTION OF</b>	)	
<b>WATER TO WATER RIGHT NOS. 36-02551</b>	)	
<b>AND 36-07694 (RANGEN, INC.)</b>	)	
_____	)	

**BACKGROUND**

On January 29, 2014, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued a *Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* (“Curtailment Order”) in the Rangen delivery call case, CM-DC-2011-004. The Curtailment Order recognized that holders of junior-priority ground water rights may avoid curtailment if they participate in a mitigation plan which provides “simulated steady state benefits of 9.1 cfs to Curren Tunnel [sometimes referred to as the “Martin-Curren Tunnel”] or direct flow of 9.1 cfs to Rangen.” *Curtailment Order* at 42. The Curtailment Order explains that mitigation provided by direct flow to Rangen “may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year.” *Id.*

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed with the Department *IGWA’s Mitigation Plan and Request for Hearing* (“Mitigation Plan”) to avoid curtailment imposed by the Curtailment Order. The Mitigation Plan set forth nine proposals for junior-priority groundwater pumpers to meet mitigation obligations: 1) credit for current and ongoing mitigation activities; 2) mitigation via the Sandy Pipe; 3) assignment of water right no. 36-16976; 4) fish replacement; 5) monetary compensation; 6) improvements to the Curren Tunnel diversion; 7) drilling a horizontal well in the vicinity of the Curren Tunnel; 8) drilling new groundwater wells or utilizing existing wells with delivery over-the-rim; and 9) construction of a direct pump-back and aeration system within the Rangen facility.

On February 12, 2014, IGWA filed *IGWA’s Petition to Stay Curtailment, and Request for Expedited Decision*. On February 21, 2014, the Director issued an *Order Granting IGWA’s Petition to Stay Curtailment* which stayed enforcement of the Curtailment Order for members of

IGWA and the non-member participants in IGWA's Mitigation Plan until a decision was issued on the Mitigation Plan.

On March 10, 2014, IGWA filed *IGWA's Second Mitigation Plan and Request for Hearing* ("Second Mitigation Plan"). IGWA asserts that the Second Mitigation Plan, referred to as the "Tucker Springs Project," is capable of meeting the full 9.1 cfs mitigation obligation on a year-round basis. *Second Mitigation Plan* at 2.

A hearing was held on IGWA's Mitigation Plan on March 17-19, 2014, at the Department's State office in Boise, Idaho. At the commencement of the hearing, the Director verbally granted *Rangen's Motion in Limine to Exclude Evidence of Tucker Springs Project*. A written order reflecting that decision was issued on March 26, 2014.

On April 11, 2014, the Director issued an *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("Mitigation Order"). The Mitigation Order recognized credit for only two components of IGWA's Mitigation Plan: (1) IGWA's ongoing aquifer enhancement activities, and (2) exchange of irrigation water diverted from the Curren Tunnel with operational spill water from the North Side Canal Company. *Mitigation Order* at 4. The Mitigation Order rejected IGWA's other proposals for mitigation.

On April 25, 2014, Rangen filed *Rangen's Motion for Reconsideration of Order Re: IGWA's Mitigation Plan; Order Lifting Stay; Amended Curtailment Order* ("Rangen's Petition"). On April 25, 2014, IGWA filed *IGWA's Petition for Reconsideration and Clarification* ("IGWA's Petition"). On May 9, 2014, Rangen filed *Rangen, Inc.'s Response to IGWA's Petition for Reconsideration and Clarification*.

## ANALYSIS

### A. Rangen's Petition

#### 1. Calculation of Credit to IGWA for Exchange of Irrigation Water

Rangen alleges that the Director erred by failing to account for Rangen's use of its 1957 water right from the Curren Tunnel, water right no 36-15501. *Rangen's Petition* at 2. Rangen argues that, had the Director accounted for water right no. 36-15501, the Director would have reduced the benefit to Rangen of Howard "Butch" Morris ("Morris") foregoing diversions out of the Curren Tunnel. *Id.* Rangen argues that, as a result of the Director's error, the calculations contained in Findings of Fact ¶¶ 18 through 27 must be revised. *Id.* at 4.

Rangen's argument is flawed. Rangen overlooks the fact that water right no. 36-15501 is *junior* to the Morris water rights. Findings of Fact ¶¶ 18 through 27 of the Mitigation Order establish the amount of water available in priority to Morris and available to IGWA for mitigation purposes. As the chart in Finding of Fact ¶ 27 highlights, if the average flow rate from the Curren Tunnel for the 2014 irrigation season is 3.7 cfs, and (a) Morris diverts 0.3 cfs through his irrigation pipeline, (b) Rangen diverts its water rights that are senior to the other two

Morris rights (0.14 cfs), and (c) Candy and Musser do not exercise their water rights except for the 0.04 cfs Candy uses for domestic use, then Morris is entitled to 3.2 cfs of the 3.7 cfs available. This result is reflected in the following calculation shown in Finding of Fact ¶27:

$$3.7 \text{ cfs} - 0.3 \text{ cfs (Morris)} - 0.14 \text{ cfs (Rangen)} - 0.04 \text{ cfs (Candy)} = 3.2 \text{ cfs (approximately).}$$

Rangen suggests the equation should have included Rangen's water right no. 36-15501 in the computation, which authorizes a diversion of 1.46 cfs. The 1.46 cfs would be added to the 0.14 cfs already included in the equation, for a total of 1.6 cfs. Rangen proposes the following computation:

$$3.7 \text{ cfs} - 0.3 \text{ cfs (Morris)} - 1.6 \text{ cfs (Rangen)} - 0.04 \text{ cfs (Candy)} = 1.8 \text{ (approximately).}$$

If the Director were to adopt Rangen's suggested computation, the Director would unlawfully allocate water to Rangen's junior water right before allocating water to the senior water rights held by Morris. Rangen's water right no. 36-15501 bears a priority date of July 1, 1957. Morris' most junior water right shown in the table in Finding of Fact ¶ 27 has a priority date of December 1, 1908. Because Morris is entitled to the 3.2 cfs before water right no. 36-15501 comes into priority, the Director will not change his computation of the mitigation credit to IGWA for exchange of irrigation water diverted from the Curren Tunnel.

## 2. Estimate of Water Flowing from Curren Tunnel

In its Mitigation Plan, IGWA proposed mitigation by trading water from the Sandy Ponds with senior irrigation water rights from the Curren Tunnel owned by Morris. To calculate credit for the trade, the Director had to predict the flows from the Curren Tunnel for the upcoming irrigation season. To predict those flows, the Director averaged Curren Tunnel irrigation season flow data from 2002-2013. *Mitigation Order* at 9-10.

Rangen argues that averaging "is not appropriate" when determining mitigation credit. *Rangen's Petition* at 5. Rangen argues that averaging "gives IGWA mitigation credit for delivering more water than is actually flowing from the Martin-Curren Tunnel" and that "[t]here is insufficient evidence to conclude that flows in the Martin-Curren Tunnel will be 3.7 cfs or greater in 2014." *Id.*

IGWA's first year mitigation requirement begins on April 1, 2014, and continues through March 31, 2015. *Mitigation Order* at 6. The Director determined the mitigation flow rate contributed by non-diversion of the Morris water rights as follows:

- Years 2002 – 2013 were chosen as analogous years to 2014 because (a) the years are the most recent years with measured data, (b) average irrigation season flows from the Curren Tunnel during this period do not trend upward or downward and represent the range of flows that may be available from the Curren Tunnel during the 2014 irrigation season, (c) there is a discernible change in average irrigation season flows prior to 2002 such that data prior to 2002 should not be used, and (d) the 2002 – 2013 period is a long enough period of data to represent the range of flows that may occur.
- Relying on Morris's testimony of past water use, the Director selected an irrigation season of April 15 through October 15.

- Daily flow rates from the Curren Tunnel were extracted from Department records.
- The daily flow rates were averaged over the period of April 15 through October 15 of each year to establish an average irrigation season flow for each year.
- The twelve average annual flow rates for the years 2002 – 2013 were averaged, resulting in a predicted average flow rate for the 2014 irrigation season of 3.7 cfs.

Measurement data for the Curren Tunnel show there is seasonal and annual variability associated with tunnel flows. For example, the lowest recorded average irrigation season flow rate was 2.3 cfs in 2005. The average irrigation season flow rate in the following year (2006) was 5.7 cfs. The current actual flow does not by itself provide a prediction of what flows will be the rest of the irrigation season. Averaging the most recent twelve years of historical irrigation season flow data is a practical approach of predicting the flows for the irrigation season. Furthermore, Rangen fails to suggest any other predictive tool to estimate average irrigation season flows for 2014. The Director will not change his estimate of water flowing from the Curren Tunnel.

## **B. IGWA’s Petition**

### 1. Clarification of Mitigation Requirements in the Curtailment Order

The Director must clarify the mitigation requirements set forth in the Curtailment Order before addressing specific arguments raised in IGWA’s Petition. Specifically, the Curtailment Order required “simulated steady state benefits of 9.1 cfs to Curren Tunnel or **direct flow of 9.1 cfs to Rangen.**” *Curtailment Order* at 42 (emphasis added). **Mitigation provided by direct flow to Rangen “may be phased-in over not more than a five-year period** pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year.” *Id.* (emphasis added).

The language quoted above granted IGWA two alternatives for mitigation: (1) conduct aquifer enhancement activities or other activities that would produce 9.1 cfs of simulated steady state and/or direct flow benefits to Curren Tunnel, or (2) activities that would provide only direct flow to Rangen. The discretionary five year phase-in of mitigation was only available if IGWA’s mitigation provided direct flow to Rangen equal to the phase-in quantities. Each one year requirement is equal to the average ESPAM 2.1 simulated flow benefit of curtailment that would accrue to Curren Tunnel in each of the first four years. Each of the first four annual obligations is an average transient value. The obligation in the fifth year is equal to the entire 9.1 cfs modeled steady state accrued benefit.

By definition, a steady state value for aquifer enhancement cannot qualify as “wet water” that would accrue to Curren Tunnel in a quantity equal to the annual obligation, because the steady state value exceeds that amount of water predicted to accrue to Curren Tunnel during each of the first four years. The Department must calculate an annual transient accretion to Curren Tunnel to match the transient “wet water” mitigation obligation.

## 2. IGWA's Burden of Proof

In the Mitigation Order, the Director determined IGWA's burden of proof in this mitigation plan proceeding:

To satisfy its burden of proof, IGWA must present sufficient factual evidence at the hearing to prove that (1) the proposal is legal, and will generally provide the quantity of water required by the curtailment order; (2) the components of the proposed mitigation plan can be implemented to timely provide mitigation water as required by the curtailment order; and (3)(a) the proposal has been geographically located and engineered, and (b) necessary agreements or option contracts are executed, or legal proceedings to acquire land or easements have been initiated.

*Mitigation Order at 4.*

At the Mitigation Plan hearing, IGWA and others presented evidence about aquifer enhancement activities, water delivered to Morris through the Sandy Pipeline, and quantities of water flowing from the Curren Tunnel that would have been diverted by Morris, but for irrigation with water from the Sandy Pipeline. Based on the evidence, the Director could determine the legality of the activity, the quantity of water that could be delivered to Rangen, the timing of benefits to Rangen from the activities, and that the activities had or would shortly be in place. IGWA received mitigation credit for these activities.

The Director determined the evidence presented by IGWA related to the deepening or enlarging of the Curren Tunnel, the construction of a horizontal well, mitigation with water from new or existing wells, and the pump-back system was insufficient to satisfy IGWA's burden of proof. Throughout its petition, IGWA argues there was sufficient evidence in the record to support approval of these projects.

The evidence for these components was presented as follows, with an almost total absence of detail and commitment:

1. Here is a conceptual idea for mitigation.
2. If physical construction is required and completed in some undisclosed way and construction or other activities are completed in an unspecified period of time, the conceptual idea could provide mitigation to Rangen.
3. The benefits of the mitigation can be quantified, if at all, after the conceptual idea ripens into a design, completion of litigation, and completion of construction or other implementation.

Upon reconsideration, there is no justification to modify the outcome related to these components. IGWA failed to meet its required burden of proof.

### 3. Timeframe for Implementing the Mitigation Plan.

The Director also rejected a number of IGWA's mitigation proposals because IGWA failed to provide evidence it could timely deliver water to Rangen this year. *Mitigation Order* at 14-16. IGWA argues that the Conjunctive Management Rules do not require its Mitigation Plan to be implemented this year to be approved. *IGWA's Petition* at 5. IGWA also argues that, due to engineering and construction complexities, expectation of delivery in the first year is unreasonable. *Id.*

While the quantification and timing of impacts of ground water pumping on surface water is complex and requires significant scientific study, a basic tenet of water law requires that a senior water right holder is entitled to delivery of water in the time of need and in the quantity to satisfy authorized beneficial uses. The senior water right holder should not be required to wait for years for delivery of water pursuant to the senior water right because the junior water right holder has difficulty timely mitigating for depletions caused by the junior water right holder's out-of-priority diversions.

The Director's authority to phase-in mitigation for five years is the provision in the Conjunctive Management Rules that recognizes the difficulties of immediately providing mitigation and allows the junior water right holder time to fully implement a mitigation plan. The phase-in of mitigation should not be a shield depriving the senior water right holder of water to which the senior water right holder is entitled. It is within the Director's discretion under the Conjunctive Management Rules to establish an appropriate timeframe for mitigation delivery.

### 4. Arguments in IGWA's Petition

#### a. Aquifer Enhancement Activities

IGWA argues the Director should have applied a steady state calculation to determine the 2014 mitigation credit for ongoing aquifer enhancement activities instead of a transient state calculation. *IGWA's Petition* at 2. IGWA argues that the Director cannot use a transient state calculation to determine the benefits of IGWA's aquifer enhancement activities in the Mitigation Plan because the Director applied a steady state calculation in the Curtailment Order in calculating IGWA's obligation. *Id.*

IGWA's argument on this issue mischaracterizes the Mitigation Order and misstates the record in this matter. IGWA's suggestion that the Director should only use a steady state analysis for determining the benefits of aquifer enhancement activities is untenable.

As stated earlier, the discretionary five year phase-in of mitigation was only available if IGWA's mitigation provided direct flow to Rangen equal to the phase-in quantities. For the first four years of phase-in, each one year phase-in requirement is equal to the average ESPAM 2.1 simulated flow benefit of continuous curtailment that would accrue to Curren Tunnel in that year. Each of the first four annual obligations is an average *transient value*. For comparison with the first four transient-value annual obligations, the benefits of aquifer enhancement activities must also be modeled with transient simulations for the same time periods. The steady

state calculation of the benefits of aquifer enhancement activities is only suitable for comparison with the steady state mitigation obligation of 9.1 cfs.

IGWA observes that, prior to the hearing, the Department produced a steady state calculation of IGWA's mitigation credits for its mitigation activities. IGWA states that both Rangen and IGWA "agreed with IDWR's use of a steady state calculation to determine mitigation credits from these activities" and that "neither Rangen nor IDWR advocated for, or offered evidence to support, a different approach." *IGWA's Petition* at 2.

IGWA's argument on this issue misstates the record in this matter. While the Department computed a steady state value of aquifer enhancement activities for the benefit of the parties prior to the hearing, Dr. Charles Brockway, an expert for Rangen, also calculated a transient value for IGWA's aquifer enhancement activities in 2014 and presented the analysis at the hearing. Brockway Tr. Vol. III, p. 679-87. He computed a transient value specifically to evaluate transient effects of IGWA's mitigation activities. *Id.* at 679. He calculated a credit of 0.31 cfs the first year and only 0.62 at the end of five years. Rangen Ex. 2017. His calculation was incomplete, however, because he did not model accretions to the Curren Tunnel resulting from IGWA's aquifer enhancement activities in earlier years. At the hearing, counsel for IGWA objected to this testimony, arguing that Rangen accepted the Department's steady state calculation, and that Rangen could not suggest that recharge activities must be modeled using a transient state run. Budge Tr. Vol. III, p. 685-686. The Director overruled the objection, explaining that "there is, from my perspective, a need to look at both steady-state conditions and transient conditions both." Spackman Tr. Vol. III, p. 686. The Director added evidence to the record quantifying IGWA's aquifer enhancement activities in previous years and stated Department staff would model the 2014 transient benefits for the historic aquifer enhancement activities of IGWA on record with the Department. *Id.* at 686-87. Based upon the information included in the record, the Director will not change the Mitigation Order. The "wet water" requirement of phased-in mitigation was properly quantified by calculating the transient benefits of IGWA's aquifer enhancement activities.

If IGWA wants the Director to recognize credit for aquifer enhancement activities based on an ESPAM 2.1 steady state analysis, the Mitigation Plan cannot be phased-in over five years, and the credit would be compared to the steady state obligation of 9.1 cfs. The mitigation shortfall resulting from comparison of the steady state benefit and steady state obligation would be greater than the shortfall resulting from comparison of the transient values for the first year. The Director assumes IGWA would prefer to rely on the transient benefit analysis that recognizes a five year phase-in, and results in a smaller mitigation shortfall.

The ruling does not require clarification as requested by IGWA.

b. Sandy Ponds Recharge

IGWA argues it should receive mitigation credit for Sandy Ponds recharge. *IGWA's Petition* at 3. IGWA asserts the Department should be able to calculate the mitigation credit using data in the record. *Id.*

Recharge of ground water from the Sandy Ponds cannot be quantified because evidence presented at the Mitigation Plan hearing attempting to determine recharge from the Sandy Ponds was deficient. Recharge calculations are based upon inflows and outflows of water in relation to a recharge site. When asked what information would be needed to calculate credit for Sandy Pond recharge, Department employee Jennifer Sukow testified, “We would need accurate measurements of the water that flowed into the ponds and then all of the outflows from the ponds.” Sukow Tr. Vol. II, p. 303-04. When asked why credit was not given for Sandy Ponds recharge, Sukow stated “I don’t have the data to, you know, calculate the volume that we would input into the model.” Sukow Tr. Vol. II, p. 316-17.

Frank Erwin (“Erwin”), watermaster for Water District 36A, testified that he does not measure diversions into the Sandy Pipeline, nor does he measure the amount of water that bypasses Morris’ diversion and flows into the Curren Ditch. Erwin Tr. Vol. II, p. 322-23.

Morris testified that he irrigates with approximately 8.5 cfs of water from the Sandy Ponds, but this testimony is not sufficient support for recharge credit because it does not appear from record that the 8.5 cfs Morris referenced is the total outflow from the Sandy Ponds. When describing his delivery system, Morris explained that the Sandy Pipeline delivers water from the Sandy Ponds to a cement box near his property and that he then pumps water from the cement box to the lands he irrigates. Morris Tr. Vol. II, p. 368-69. Morris testified that he diverts 6 cfs of the 8.5 cfs “*out of the Sandy Pipeline*” and the remainder is diverted from the Sandy Ponds via a different pump, not the Sandy Pipeline. Morris Tr. Vol. II, p. 377,408. Both Morris and Erwin testified that excess water above what Morris needs for his irrigation purposes is diverted into the Sandy Pipeline and the excess water then flows out of the cement box and continues onto the Curren Ditch. Morris Tr. Vol. II, p. 369, 404, 409; Erwin Tr. Vol. II, p. 322-23. Morris was unable to estimate how much water flows past the cement box to the Curren Ditch. Morris stated that “it varies a lot” and “[i]t’s hard to put a quantified number to it.” Morris Tr. Vol. II, p. 409. Morris’ diversions and water flowing past the cement box and into the Curren Ditch must be measured to complete the water budget and accurately estimate recharge in the Sandy Ponds. IGWA provided detailed measurement records showing the amount of water that flows into the Sandy Ponds. IGWA Ex. 1032-1033. No such records were provided showing outflows from the Sandy Ponds. Because the Director cannot quantify recharge in the Sandy Ponds due to the lack of evidence, the Director cannot recognize any credit for recharge in the Sandy Ponds.

This ruling does not require clarification as requested by IGWA.

c. Idaho Water Resource Board Recharge

IGWA argues it should receive mitigation credit for ground water recharge conducted by the Idaho Water Resource Board (“Water Board”). *IGWA’s Petition* at 4.

The Water Board diverts water from the Snake River for ground water recharge. Managed ground water recharge by the Water Board is intended to benefit ground water and surface water users whose source of water is hydraulically connected to the Eastern Snake Plain Aquifer (“ESPA”). The benefits of managed ground water recharge by the Water Board are not intended to inure to the benefit of a junior water right holder in responding to a delivery call. IGWA has not previously been granted mitigation credits for the Water Board recharge in the Clear Springs or the Blue Lakes delivery calls. Sukow Tr. Vol. II, p. 301. If IGWA wants to seek credit for the ground water recharge by the Water Board, IGWA should obtain express written approval from the Water Board for individual recognition of credits for simulated benefits of the Water Board’s recharge activities.

This ruling does not require clarification as requested by IGWA.

d. Mitigation Using Senior Irrigation Water Rights Diverted from the Curren Tunnel

IGWA asserts it presented evidence that a stockwater well was drilled to provide an alternate source of water to water right no. 36-102, which allows Rangen to divert 0.07 cfs year-round that would otherwise be delivered to the Mussers from the Curren Tunnel. *IGWA’s Petition* at 4. IGWA contends it should receive mitigation credit for this “water exchange” and requests clarification regarding whether this mitigation credit was included in the Department’s calculation of the 3.0 cfs mitigation credit granted to IGWA for the first year of curtailment. *Id.*

IGWA received credit for this “water exchange” in the Mitigation Order. The table in Finding of Fact ¶ 27 reflects that the Director credited Musser as diverting no water (“0.00” cfs) under water right no. 36-102. *Mitigation Order* at 12. Because Musser does not divert water pursuant to water right no. 36-102 (presumably in part because of the stockwater well drilled by IGWA to provide an alternative source of water), more water is available for Morris under Morris’ more junior water rights and more water is available to IGWA for mitigation. If Musser had been diverting water pursuant to water right no. 36-102, the credit associated with the exchange of Curren Tunnel water with Sandy Ponds water would have been less. There is no other basis for recognition of mitigation credit for IGWA associated with use of the stockwater well.

This ruling does not require clarification as requested by IGWA.

e. Assignment of Water Right 36-16976 to Rangen

In its Mitigation Plan, IGWA proposed to assign its pending application to appropriate water number 36-16976 to Rangen as mitigation. The application proposes to appropriate 12 cfs from “Springs” and “Billingsley Creek” at Rangen’s existing physical diversion from Billingsley Creek known as the “bridge diversion.” The Director rejected the proposal because of the uncertainty of the application and resulting inability to determine whether the proposal would provide water to Rangen in its time of need, i.e. this year. *Mitigation Order* at 13.

IGWA requests that “the Director revise the [Mitigation Order] to find that delivering additional water to Rangen from Billingsley Creek will in fact mitigate material injury, and to approve mitigation credit for the assignment of water right 36-16976 *subject* to a permit being issued, which is being decided in a different proceeding.” *IGWA’s Petition* at 7. IGWA asserts this would be consistent with the Department’s approval of the Snake River Farms over-the-rim mitigation plan where the Department approved the mitigation plan on condition that IGWA obtain approval of the transfers necessary to allow the mitigation water to be used at Snake River Farms. *Id.* at 6.

The underlying facts for the Snake River Farms over-the-rim mitigation plan are distinctly different than the facts underlying the Mitigation Plan. The Director conditionally approved IGWA’s over-the-rim mitigation plan notwithstanding pending administrative transfers. *Final Order Concerning the Over-the-Rim Mitigation Plan* at 9. The proposed transfers sought to consolidate water rights to a handful of wells on the rim just above Snake River Farms. *2009 Replacement Water Plan and Third Mitigation Plan (Over-The-Rim) of North Snake Ground Water District and Magic Valley Ground Water District* at 6-7. IGWA would then divert the water from the handful of wells and pipe the water to Snake River Farms. *Id.* In the over-the-rim mitigation plan, there was no dispute about the right of access to the wells identified as points of diversion by the proposed transfers. Here, Rangen and IGWA each actively disputed the other party’s future opportunity to use water from Billingsley Creek. The specific issue of whether Rangen holds a water right to divert water from Billingsley Creek is currently on appeal to district court. Rangen also filed a second pending application for permit and an application for transfer related to this point of diversion. Given the uncertainty created by the litigation, the outstanding competing applications for new water rights, and Rangen’s application for transfer, the Director cannot justify conditionally approving the application.

Moreover, there is not sufficient basis to approve the application as mitigation at this time because there will need to be a future determination of the credit IGWA is entitled to. Any credit determination will depend on the flows in Billingsley Creek at the time a permit may be issued to IGWA for mitigation. Unlike the over-the-rim mitigation plan for the Snake River Farms delivery call, where a constant flow of water could be provided from ground water wells, the pending application from Billingsley Creek seeks to appropriate water from a surface water source that may or may not have sufficient water to satisfy IGWA’s mitigation obligation.

This ruling does not require clarification as requested by IGWA.

f. Cleaning the Curren Tunnel

IGWA’s Mitigation Plan requested mitigation credit if water flows from the Curren Tunnel could be improved by cleaning the tunnel. The Director rejected this proposal because “IGWA failed to present evidence demonstrating that cleaning the Curren Tunnel would provide any additional water to Rangen.” *Mitigation Order* at 14.

First, it is necessary to revisit the testimony at the hearing because, upon review, both the *Mitigation Order* and *IGWA’s Petition* do not correctly characterize the testimony. At the hearing, Erwin was asked about clean out work he did on the Curren Tunnel in the mid-1970s for

a previous owner of Morris' property. Erwin Tr. Vol. II, p. 331-32. When asked how far back into the tunnel he worked, he testified that he went back to the end of the corrugated metal pipe and his work focused on cleaning rock and debris out of the tunnel at this point in an attempt to improve flows into corrugated metal pipe. *Id.* at 332-33. When asked whether this improved the flow out of the Curren Tunnel, Erwin stated, "I think at that particular point in time it probably increased the flow coming out of the pipe and probably lessened the flow that was running around the pipe." *Id.* at 334. Erwin was then asked about other tunnels that had been cleaned out. He testified that "there was some work done on the Hoagland Tunnel to remove debris and to possibly improve the flow at the mouth of the tunnel" but that he could not describe exactly what work had been done because he did not perform the work. *Id.* at 336. He also testified that he performed maintenance work on the Florence Livestock Spring Tunnel, and still had some more work to do on it, but that "the only debris that is being removed is at the actual mouth or outflow of the tunnel" and that it is "from rock and debris that's fell [sic] into the ditch that carries the water away from the tunnel outside of the area of the tunnel." *Id.* at 337. He testified, "We did not, to my knowledge, increase the water coming out of the tunnel." *Id.* at 338.

Morris was also asked about his clean out work on the Hoagland Tunnel. Morris Tr. Vol. II, p. 384. He testified that he cleans the Hoagland Tunnel "annually" and that the work increased the flow of water but that the work was not on the inside of the tunnel but "[p]retty much, on the outside of the tunnel." *Id.* at 385. Dr. Brockway testified that he did go "about 100 feet" into the Curren Tunnel "probably around 1995" and that "at least for that hundred feet there was no debris in the tunnel." Brockway Tr. Vol. III, p. 707, 715. Dr. Brockway testified that he would not expect there to be a lot of debris in the bottom of the tunnel because the tunnel was developed in basalt. *Id.* at 708. He concluded that cleaning the tunnel "would result in very little, if any, increase of flow." *Id.* at 708. Dr. Charles Brendecke, an expert for IGWA, testified "I'm aware that periodically there's debris build-up upstream of the corrugated pipe" but that he does not know "the degree to which this causes flows to be diverted away from the normal outlet at the tunnel." Brendecke Tr. Vol. III, p. 553-54.

The Mitigation Order concluded "IGWA failed to present evidence demonstrating that cleaning the Curren Tunnel would provide any additional water to Rangen." *Mitigation Order* at 14. IGWA blames this lack of evidence on Rangen. IGWA asserts it was impossible to determine whether rock-fall impedes the flow of water from the Curren Tunnel because Rangen would not allow IGWA inside the Tunnel to inspect it. *IGWA's Petition* at 9.

IGWA is, in effect, asking the Director to conclude that, because Rangen did not grant IGWA access to the Curren Tunnel, some sort of mitigation credit should be granted to IGWA. The problem with this argument is that, even if the Director was inclined to grant some sort of credit, there is no support in the record for determining what that credit should be. Erwin, the only person who testified who has firsthand experience with the cleaning of the inside of a tunnel, testified that the work he did in the Curren Tunnel "probably" increased the flow coming out of the tunnel, but provided no estimate. Dr. Brockway concluded that cleaning the Curren Tunnel "would result in very little, if any, increase of flow." There simply is not sufficient evidence in the record to support the granting of any sort of credit to IGWA related to cleaning out the Curren Tunnel.

The Conjunctive Management Rules require that a senior water right holder maintain a reasonable means of diversion. Occasional cleaning of the diversion works is a reasonable expectation. Wayne Courtney, vice president of Rangen, is not opposed to cleaning the tunnel but testified that “if there’s to be cleaning in the tunnel, Rangen will do it.” Courtney Tr. Vol. III, p. 594. The Director views Mr. Courtney’s statements on this issue as a statement of willingness on Rangen’s part to undertake such action. The Director will revise the Mitigation Order and instruct Rangen to inspect the Curren Tunnel at both ends of the corrugated metal pipe and clean any debris out of the tunnel in an attempt to improve flows into and from the corrugated metal pipe. Rangen must grant IDWR access at the time of the cleaning work to observe and document the extent of cleaning. IGWA is not entitled to any mitigation credit as a result of the above cleaning and maintenance work.

Consistent with the above discussion, the Director will supplement the findings of fact, conclusions of law, and order section related to this proposal.

g. Enlarging or Deepening the Curren Tunnel

In its Mitigation Plan, IGWA proposed to enlarge or deepen the Curren Tunnel to increase the water flow from the tunnel and provide mitigation to Rangen. The Director rejected this proposal on the basis that “there is no evidence quantifying the potential increase” and that the “physical work to deepen or enlarge the tunnel could not be completed to timely provide water during the 2014 irrigation season.” *Mitigation Order* at 14.

As discussed above, the burden is on IGWA to come forward with sufficiently detailed plans to allow for evaluation of the proposal and IGWA failed to provide such information. IGWA failed to provide specifics on exactly how it proposed to “enlarge” or “deepen” the Curren Tunnel. IGWA failed to provide information to quantify expected results. IGWA asserts there is no evidence quantifying the increase because, until the tunnel is actually enlarged or deepened, it cannot be proven how much additional water will result from the improvement. *IGWA’s Petition* at 10. However, this is not true, as even IGWA’s expert recognized. When asked about potential test methods to evaluate the proposal, Dr. Brendecke testified that test boreholes could have been drilled but they were not. Brendecke Tr. Vol. II, p. 481. IGWA contends this uncertainty is not a reason to reject the proposal. IGWA is wrong. Uncertainty is an appropriate justification, especially when undertaking construction on the tunnel could negatively change the hydrology of the tunnel so that it reduces flows instead of improves the flows. Concerns about interfering with the existing hydraulics of the spring system were discussed in detail in the delivery call hearing and were touched on in the Curtailment Order. Rangen previously hired an engineering firm to evaluate possible ways to improve flows to the Curren Tunnel and one proposal was to drill a horizontal well. As discussed in the Curtailment Order:

The concern regarding the horizontal well was that such a well would likely decrease current discharge to the Curren Tunnel, decrease discharge of other springs in the vicinity of the Curren Tunnel, and possibly reduce ground water levels in wells located on the rim above the Curren Tunnel. Wayne Courtney,

executive vice president for Rangen testified about the concerns with the well proposals. He explained that Rangen did not implement the proposal for alternate points of diversion because Rangen "felt that the risk was too great for any possible outcome." Courtney, Vol. I, p. 111-112. Rangen was concerned that new wells might damage the geohydrology of the area and would actually injure the existing springs and injure water users that rely on the springs for their water. *Id.* at 112. The Director concludes that Rangen's reasons for rejecting the proposals are reasonable.

*Curtailment Order* at 36.

The concerns with "enlarging" or "deepening" the tunnel are the same as the concerns with drilling a horizontal well. Such action could have a negative effect on other nearby springs and could negatively affect other water right holders. Brendecke Tr. Vol. III, p. 564. The lack of a detailed proposal of how to "enlarge" or "deepen" the tunnel, when coupled with the uncertainty associated with the project and the potential negative impacts on other water right holders, is cause for rejecting the proposal.

This ruling does not require clarification as requested by IGWA, but the Director will supplement the Mitigation Order to more fully explain the justification for rejecting the proposal to enlarge or deepen the Curren Tunnel.

#### h. Horizontal Well

IGWA's Mitigation Plan proposed to drill a new horizontal well at an elevation below the Curren Tunnel to provide mitigation to Rangen. In rejecting the proposal, the Director noted that IGWA would need to obtain a water right to divert and beneficially use water from the horizontal well and that the Department has issued a moratorium on all appropriations of water from the ESPA in the area where the proposed horizontal well would be constructed. *Mitigation Order* at 15.

IGWA argues that the moratorium on new groundwater rights has no effect because the Director previously ruled that horizontal tunnels are surface water sources. *IGWA's Petition* at 11. IGWA also argues that a new water right is not needed because the Conjunctive Management Rules authorize the Director to allow Rangen to improve its means of diversion to secure a more reliable water supply by accessing the ESPA at a lower elevation. *Id.* Therefore, IGWA requests that the Mitigation Order be revised to allow IGWA to improve Rangen's means of diversion by drilling a horizontal well into the ESPA at an elevation below the Curren Tunnel.

IGWA's argument has numerous problems. First, IGWA is incorrect that a new horizontal well would be diverting surface water. A new well (whether horizontal or vertical) would be diverting groundwater not surface water. Second, even if it was surface water, the distinction IGWA tries to draw regarding the moratorium order is incorrect. The moratorium order applies to all diversions of water in the moratorium area, not just groundwater rights. The moratorium order provides that a "moratorium is established on the processing and approval of presently pending and new applications for permits to appropriate water from all surface and

ground water sources within the Eastern Snake River Plain Area and all tributaries thereto ... .” *Amended Moratorium Order*, In the Matter of Applications for Permits for the Diversion and Use of Surface and Ground Water Within the Eastern Snake River Plain Area and the Boise River Drainage Area, at 4. Because a new horizontal well would divert from the ESPA and because Idaho Code § 42-201 requires all new diversions to comply with the application for permit process, any new proposed diversion is subject to the moratorium. Furthermore, contrary to IGWA’s suggestion, the Conjunctive Management Rules do not authorize the Director to approve a new diversion of water without complying with the application and permit process. The Director’s process for evaluating material injury under Rule 42 does not authorize the Director to exempt water users from the application for permit process.

In addition, the uncertainty and potential negative impacts on other water right holders identified in subsection (g) above are also grounds for rejecting this proposal. The concerns are legitimate and have not been evaluated by IGWA. *Brendecke Tr. Vol. III*, p. 557.

This ruling does not require clarification as requested by IGWA.

i. Pump-back System

In its Mitigation Plan, IGWA proposed to “engineer, construct, and operate a direct pumpback and aeration system within the Rangen facility to secure sufficient flows to meet mitigation obligations, to the extent of any shortfall... .” *Mitigation Plan* at 4. While this option is promising on its face, this proposal was rejected because IGWA failed to lay even the most basic foundation to support approval of this proposal. When asked about a feasibility study, IGWA’s expert Dr. Brendecke testified that he had not conducted any feasibility study. *Brendecke Tr. Vol. II*, p. 525. When discussing the engineering design, Dr. Brendecke did not offer even a basic conceptual plan, but simply testified that he did not think it would be difficult to prepare engineering designs. *Id.* And, instead of providing conceptual plans on how to address issues like biosecurity, backup power and aeration devices, Dr. Brendecke suggested that those issues could be addressed in future plans. *Id.* at 526-27. IGWA presented no testimony about how it would establish a water right for the project or how it would address property access to construct and operate the pump-back system. The lack of this basic information led the Director to conclude the record lacked the evidence that IGWA could have the pump-back system in place this year. *Mitigation Order* at 16.

In its petition, IGWA continues to suggest that the Director should have conditionally approved the pump-back proposal as the Director did with the Snake River Farms over-the-rim mitigation plan. *IGWA’s Petition* at 12. However, as discussed in the Mitigation Order, there are differences between this Mitigation Plan and the Snake River Farms mitigation plan:

[T]here are important distinctions between the progress IGWA had made in the over-the-rim plan when it was considered by the Department and this plan. At the time the hearing for the over-the-rim plan was heard, IGWA had exerted significant effort to justify the plan, including identifying water rights that would be acquired and wells that could be used, testing of water temperature, quality, and evaluating the reliability and biosecurity of the proposed pumping system.

IGWA had also provided preliminary engineering plans. While the Director conditionally approved the over-the-rim plan, IGWA had taken significant steps towards implementation of that plan. Here, IGWA has not taken any steps toward implementation of this proposal.

*Mitigation Order* at 15.

When questioned about the lack of any basic designs, Dr. Brendecke suggested that the short timeframe between the submission of the Mitigation Plan and the hearing did not provide IGWA sufficient time to prepare engineering designs. Brendecke Tr. Vol. III, p. 562. While the timeframe between the Mitigation Plan submission and the hearing was short, it was not so short that some basic design could not be done. As Dr. Brendecke himself recognized, design of a pump-back system should not be difficult. *Id.* at 525. Given the lack of even basic information in the record, the proposal cannot be approved. Because this rationale was not fully developed in the Mitigation Order, the Director will revise the Mitigation Order to supplement the findings and conclusions related to this issue.

Another justification for rejecting the proposal was that IGWA does not have water rights to undertake the pump-back system. *Mitigation Order* at 16. IGWA argues that it does not need to appropriate a new water right to install a pump-back system within the Rangen facility because water users are entitled to recapture and re-use water before it enters the public water supply and a pump-back system can be designed to recirculate water diverted under Rangen's existing water rights. *IGWA's Petition* at 12. IGWA is correct that a water right holder is entitled to recapture and re-use water before it enters the public water supply. However, in this circumstance, it is not the water right holder that is proposing to recapture the water but a third party and the recapture is being done without consent of the water right holder. Where the recapture of the water is by a third party and is being done without consent of the water right holder, a new water right is needed. Another issue is that IGWA provided no evidence regarding the location of the point where the water will be collected and pumped back to Rangen. The Director cannot assume that the collection point for the pump-back system would be on Rangen's property. IGWA's failure to provide plans showing where the diversion point would be located prevents the Director from concluding that a water right is not necessary.

Another justification for rejecting the proposal is that IGWA did not present any evidence about how it would gain access to Rangen's property for locating the systems necessary for the pump-back. *Mitigation Order* at 16. "With respect to property access, IGWA asserts its ground water district members have a statutory right to exercise power of eminent domain." *IGWA's Petition* at 12. IGWA requests that the Director revise the Mitigation Order to authorize development of a pump-back system to meet mitigation obligations, "subject to conditions similar to those imposed on the approval of the over-the-rim mitigation plan for Snake River Farms, as outlined in IGWA's Post-Hearing Brief." *Id.* As described above, there are important differences between the status of the Snake River Farms over-the-rim mitigation plan at the time of its hearing and the status of this Mitigation Plan at the time of hearing. In the Snake River Farms plan, a foundation had already been laid for getting authorizations for easements and other authorizations related to the plan at the time of hearing. Here, there is no similar foundation.

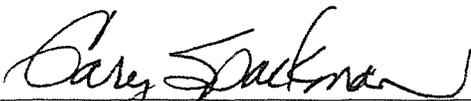
The Director cannot conclude that IGWA will be able to gain access to the Rangen property in a timely manner to provide water in the time of need.

This ruling does not require clarification as requested by IGWA.

### CONCLUSION

Based on the foregoing discussion, some modifications to the Mitigation Order are necessary. An amended order will be issued supplementing the findings of facts, conclusions of law and order section and incorporating the modifications identified above.

Dated this 16<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
GARY SPACKMAN  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of May, 2014, the above and foregoing document was served on the following by providing a copy of the *FINAL ORDER ON RECONSIDERATION* in the manner selected:

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Deborah J. Gibson

Admin. Assistant to the Director

## **EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER ON RECONSIDERATION**

**(To be used in connection with actions when a hearing was held)**

The accompanying order is a **Final Order on Reconsideration** of the "final order" or "amended final order" issued previously in this proceeding by the Idaho Department of Water Resources ("department") pursuant to section 67-5246, Idaho Code.

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

# Exhibit 3



On March 14, 2014, Rangen, Inc. ("Rangen") filed three documents with the Department: *Rangen's Motion in Limine to Exclude Evidence of Tucker Springs Project; Rangen's Motion to Dismiss Proposals 3-9 of IGWA 's Mitigation Plan and Limit Scope of Hearing; and Rangen, Inc. 's Petition to Intervene to Become a Party Protestant and Rangen 's Motion for Reconsideration Re: Denial of Participation in Mitigation Plan Hearing.* At the commencement of the hearing on IGWA's Mitigation Plan, which was held on March 17-19, 2014 at the Department's State office in Boise, Idaho, the Director verbally ruled on Rangen's motions and petition to intervene. Specifically, the Director granted Rangen's motion to exclude evidence of the Tucker Springs Project; dismissed proposals four and five of IGWA's Mitigation Plan, and granted Rangen's petition to intervene. On March 26, 2014, the Director issued the following to reflect those verbal rulings: *Order Granting Rangen's Motion in Limine to Exclude Evidence of Tucker Springs Project; Order Granting in Part and Denying in Part Rangen's Motion to Dismiss Proposals 3-9 of IGWA 's Mitigation Plan and Limit Scope of Hearing; and Order Granting Rangen, Inc. 's Petition to Intervene and Denying Motion for Reconsideration.*

### APPLICABLE LAW

Conjunctive Management Rule 43.03 ("Rule 43.03") establishes the following factors that "may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights":

- a. Whether delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law.
- b. Whether the mitigation plan will provide replacement water, at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source. Consideration will be given to the history and seasonal availability of water for diversion so as not to require replacement water at times when the surface right historically has not received a full supply, such as during annual low-flow periods and extended drought periods.
- c. Whether the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage even if the effect of pumping is spread over many years and will continue for years after pumping is curtailed. A mitigation plan may allow for multi-season accounting of ground water withdrawals and provide for replacement water to take advantage of variability in seasonal water supply. The mitigation plan must include contingency provisions to assure protection of the senior-priority right in the event the mitigation water source becomes unavailable.
- d. Whether the mitigation plan proposes artificial recharge of an area of common ground water supply as a means of protecting ground water pumping levels, compensating senior-priority water rights, or providing aquifer storage for exchange or other purposes related to the mitigation plan.

- e. Where a mitigation plan is based upon computer simulations and calculations, whether such plan uses generally accepted and appropriate engineering and hydrogeologic formulae for calculating the depletive effect of the ground water withdrawal.
- f. Whether the mitigation plan uses generally accepted and appropriate values for aquifer characteristics such as transmissivity, specific yield, and other relevant factors.
- g. Whether the mitigation plan reasonably calculates the consumptive use component of ground water diversion and use.
- h. The reliability of the source of replacement water over the term in which it is proposed to be used under the mitigation plan.
- i. Whether the mitigation plan proposes enlargement of the rate of diversion, seasonal quantity or time of diversion under any water right being proposed for use in the mitigation plan.
- j. Whether the mitigation plan is consistent with the conservation of water resources, the public interest or injures other water rights, or would result in the diversion and use of ground water at a rate beyond the reasonably anticipated average rate of future natural recharge.
- k. Whether the mitigation plan provides for monitoring and adjustment as necessary to protect senior-priority water rights from material injury.
- l. Whether the plan provides for mitigation of the effects of pumping of existing wells and the effects of pumping of any new wells which may be proposed to take water from the areas of common ground water supply.
- m. Whether the mitigation plan provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan.
- n. A mitigation plan may propose division of the area of common ground water supply into zones or segments for the purpose of consideration of local impacts, timing of depletions, and replacement supplies.
- o. Whether the petitioners and respondents have entered into an agreement on an acceptable mitigation plan even though such plan may not otherwise be fully in compliance with these provisions.

IDAPA 37.03.11.043.03(a-o).

A proposed mitigation plan must contain information that allows the Director to evaluate these factors. IDAPA 37.03.11.043.01(d).

While Rule 43.03 lists factors that “may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights,” factors 43.03(a) through 43.03(c) are necessary components of mitigation plans that call for the direct delivery of mitigation water. A junior water right holder seeking to directly deliver mitigation water bears the burden of proving that (a) the “delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law,” (b) “the mitigation plan will provide replacement water, at the time and place required by the senior priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source,” and (c) “the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage.” IDAPA 37.03.11.043.03(a-c). These three inquiries are threshold factors against which IGWA’s Mitigation Plan must be measured.

To satisfy its burden of proof, IGWA must present sufficient factual evidence at the hearing to prove that (1) the proposal is legal, and will generally provide the quantity of water required by the Curtailment Order; (2) the components of the proposed Mitigation Plan can be implemented to timely provide mitigation water as required by the Curtailment Order; and (3)(a) the proposal has been geographically located and engineered, and (b) necessary agreements or option contracts are executed, or legal proceedings to acquire land or easements have been initiated.

Consideration of the first three factors in Rule 43.03 requires that the water be provided in the season of use.

## ANALYSIS

This order approves portions of IGWA’s Mitigation Plan, but determines that the quantities of mitigation water available to Rangen during the time of need are insufficient to fully mitigate as required by the Curtailment Order. As a result, curtailment of the use of water by a segment of the ground water holders whose use was curtailed in the Curtailment Order is required.

This order recognizes credit for only two components of IGWA’s proposed Mitigation Plan: (1) aquifer enhancement activities (conversions, recharge, and voluntary curtailments), and (2) exchange of irrigation water diverted from the Curren Tunnel with operational spill water from the North Side Canal Company. The Director rejects the remaining components (proposals 3, 6-9) of IGWA’s Mitigation Plan. The primary reason for rejection of the other proposed components of IGWA’s Mitigation Plan is the lack of evidence in the record to determine how the proposals could be implemented, either legally or physically. IGWA did not address and carry its evidentiary burden by: (1) establishing the legality of the proposal, (2) presenting details about how the proposed physical infrastructure could be physically located, constructed and operated, and (3) predicting when the proposal could be completed to provide the required

mitigation. The only evidence that IGWA presented about proposed physical infrastructure was testimony that the proposals requiring infrastructure would be feasible or that there is no reason why IGWA could not implement sections of its mitigation proposals. Brendeke, Tr., Vol. II, pp. 483-85, 494-95, 501, 504, 511, 515, 519, 522-23, 525-27. Testimony that IGWA has an optimistic vision of successfully completing Proposals 3 and 6 through 9 of its Mitigation Plan is not a substitute for presenting actual activities or written plans demonstrating that it has initiated and at least completed preliminary tasks in implementing its Mitigation Plan.

#### Use of ESPAM 2.1

The Eastern Snake Plain Aquifer Model (“ESPAM”) is a calibrated regional ground water model representing the Eastern Snake Plain Aquifer (“ESPA”). In the Curtailment Order the Director adopted ESPAM 2.1 to model the stresses to the ESPA related to Rangen’s renewed delivery call. In this order, the Director uses ESPAM 2.1 to determine the simulated benefits of aquifer enhancement activities conducted by IGWA and other private entities and to determine a curtailment date because of a mitigation deficiency.

#### Benefits of Aquifer Enhancement Activities

ESPAM 2.1 can simulate the equilibrium, steady-state impacts resulting from a constant stress, or, alternatively, it can simulate the impacts of constant or time-variable stresses during a specific period of time. Model simulations that analyze impacts over a specific time period are called “transient runs.” The length of the simulation is dependent on the time period of interest. Curtailment of ground water pumping was simulated over a period of five years representing the five-year curtailment phase-in period from April 2014 through March 2019. Aquifer enhancement activities by IGWA and other private entities were simulated over a period of fourteen years representing April 2005 through March 2019. In both simulations, the volume of benefit to the aquifer during each year was averaged over a one-year “stress period.” For example, the volume of aquifer enhancement activities during 2005 was input into the model at a constant rate from April 2005 through March 2006.

For purposes of both the Curtailment Order and analyzing the mitigation required in response to Rangen’s delivery call, the Department employed an annual stress period in ESPAM 2.1, predicted the annual volume accruing to the Curren Tunnel within each year of the five-year phase-in period, and calculated an average annual mitigation flow requirement for each year from the annual volume. The mitigation requirement was calculated by dividing the total volume predicted to accrue over a one year period by 365 days and converting the units to cubic feet per second. The use of the average annual mitigation requirement promotes annual planning and is a reasonable time period for model prediction and analysis.<sup>1</sup>

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<sup>1</sup> The Director notes that Rangen also evaluated IGWA’s aquifer enhancement activities using an annual stress period approach. *See* Rangen Ex. 2071. Rangen’s evaluation neglected aquifer enhancement activities performed by Southwest Irrigation District and the ongoing transient effects of aquifer enhancement activities performed by IGWA in prior years, thus Rangen’s evaluation did not include all of the transient benefits predicted to accrue to the Curren Tunnel after April 2014.

### Benefits of Mitigation Using Senior Irrigation Water Rights

Ground water pumping for irrigation causes depletions of Curren Tunnel flows during the non-irrigation season after ground water pumping ceases. As stated above, however, predicted accretions to flows in the Curren Tunnel from curtailment were modeled over one year stress periods to determine the obligations of the ground water users to mitigate for their ground water diversions. Predicted accretions to the Curren Tunnel resulting from aquifer enhancement activities were also modeled over one year stress periods.

In this order, the Director also employs an annual time period to evaluate the average benefit of IGWA's proposal to deliver water to Rangen that would have been diverted pursuant to irrigation water rights held by Howard (Butch) and Rhonda Morris (hereafter referred to in the singular as "Morris"). The Curtailment Order allowed staged mitigation, requiring incremental increases in mitigation for each of the first five years of implementation. Each of the incremental mitigation requirements assumed an average obligation within each year. For each of the first four years, the determination of the annual obligation was computed by applying annual stresses and computing an average annual obligation. Because the Department's conjunctive management rules limit the staged mitigation period to five years, the mitigation obligation for the fifth year increased to the full 9.1 cfs obligation. Similarly, an annual averaging of delivery of irrigation water can be employed to determine whether the junior water right holder has satisfied the mitigation obligation. Averaging IGWA's mitigation activities over a period of one year will establish consistent time periods for combining delivery of the Morris water for mitigation and the average annual benefit provided by aquifer enhancement activities, and for direct comparison to the annual mitigation requirement. If the proposed mitigation falls short of the annual mitigation requirement, the deficiency can be calculated at the beginning of the irrigation season. Diversion of water by junior water right holders will be curtailed to address the deficiency. The senior water right holder will be assured of a water supply, particularly during periods of low spring flow, as the low flow periods occur during the irrigation season in recent years. *See Rangen Ex. 2045, 2073.*

### Time Period for Mitigation

The first year mitigation requirement of 3.4 cfs will begin on April 1, 2014, and continue through March 31, 2015. On April 1, 2015, the ground water users must have sufficient mitigation in place to deliver 5.2 cfs to Rangen, either by direct delivery or by transient modeled accretions.

## **FINDINGS OF FACT**

### **Eastern Snake Plain Aquifer Model Version No. 2.1**

1. ESPAM is a calibrated regional ground water model representing the ESPA. In the Curtailment Order the Director adopted ESPAM 2.1 to model the stresses to the ESPA related to Rangen's renewed delivery call. The Department will use ESPAM 2.1 to determine the simulated benefits of aquifer enhancement activities conducted by IGWA and other private

entities, and, if there is a deficiency in the Mitigation Plan, to determine a curtailment date to provide for the deficiency.

### **Proposal No. 1: Aquifer Enhancement Activities**

2. Proposal No. 1 requests mitigation credit for the following ongoing and future activities by IGWA: (a) conversions from ground water irrigation to surface water irrigation, (b) voluntary “dry-ups” of acreage irrigated with ground water through the Conservation Reserve Enhanced Program (“CREP”) or other cessation of irrigation with ground water, and (c) ground water recharge. This order will subsequently refer to these activities as “aquifer enhancement activities.”

3. Exhibit 3001 in the hearing record contains data compiled by the Department that quantifies the aquifer enhancement activities of IGWA and other private entities during the time period beginning in 2005 through 2010. Data for 2011-2013 private aquifer enhancement activities were received into evidence as Exhibits 1022, 1023, 1082 and 1083.

4. In the past, the Department input data for aquifer enhancement activities into ESPAM as a stress in the model to simulate benefits accruing to spring/Snake River reaches from the aquifer enhancement activities that benefit spring/Snake River reaches that supply water to senior surface water right holders who called for delivery of water pursuant to their senior surface water rights against junior ground water right holders. These data have been recognized by the Department in other conjunctive management contested cases as a reliable representation of previous aquifer enhancement activities of IGWA. *See Final Order Approving Mitigation Credits Regarding SWC Delivery Call, In the Matter of the Idaho Ground Water Appropriators, Inc.’s Mitigation Plan for Conversions, Dry-ups, and Recharge, Doc. No. CM-MP-2009-006 (July 19, 2010), aff’d on appeal in Memorandum Decision and Order on Petition for Judicial Review, CV-2010-3822 (Fifth Jud. Dist., Twin Falls County, April 22, 2011).*

5. The Curtailment Order stated that, to avoid curtailment, IGWA must either provide mitigation of 9.1 cfs in combined direct flows and steady state simulated flows to Rangen during 2014, or must provide 3.4 cfs of direct flows to Rangen during the first year of the Curtailment Order. To predict the benefit of aquifer enhancement activities in a steady state and also to predict transient benefits of aquifer enhancement activities in year 2014, ESPAM Model 2.1 must be run (a) once to determine the steady state benefits assuming constant implementation of fixed aquifer enhancement activities; and (b) once in transient mode with a stress period for each year of aquifer enhancement activities (2005 – 2013 plus projected future activities) to determine the benefits of past and projected future activities predicted to accrue to the Curren Tunnel during each year of the five-year phase-in period.

6. Exhibit 1025 summarizes model runs predicting benefits to Rangen resulting from steady state simulations of activities in 2011, 2012, and 2013. The predicted flow benefits to Rangen in Exhibit 1025 were accepted and referred to by all parties in the presentation of evidence.

7. For comparison with the phased-in requirement of 3.4 cfs during the first year of the Curtailment Order, it is necessary to predict the benefits of aquifer enhancement activities that would accrue during the first year. Rangen used ESPAM 2.1 to evaluate the transient benefits of aquifer enhancement activities beginning in 2014 in Exhibit 2071, but neglected to include ongoing transient benefits of prior IGWA aquifer enhancement activities that occurred between 2005 and 2013 and neglected to include aquifer enhancement activities performed by Southwest Irrigation District. *See* Brockway, Tr. Vol. III, p. 681-685. Using the data entered into evidence at the hearing, the Department input data into the model for each year of private party aquifer enhancement activities from 2005 through 2014. The 2005 through 2013 data were compiled from previously documented activities. IDWR Ex. 3001; IGWA Ex. 1025. For 2014, conversions, CREP, and voluntary curtailment projects were assumed to be identical to 2013, and private party managed recharge was assumed to be zero. The Department determined the average annual benefit from aquifer enhancement activities predicted to accrue to the Curren Tunnel between April 2014 and March 2015 is 871 acre feet, which is equivalent to an average rate of 1.2 cfs for 365 days. The modeling files and a summary table of the model results are included on a CD accompanying this order.

### **Proposal No. 2: Mitigation Using Senior Irrigation Water Rights Diverted from the Curren Tunnel**

8. IGWA proposes to mitigate using water from Morris, who holds certain senior irrigation water rights from the Curren Tunnel. Specifically, IGWA and Morris agreed that IGWA would deliver Snake River water discharging from the North Side Canal Co. system into the Sandy Ponds as operational spill to Morris through the Sandy Pipeline, and, in exchange, Morris would forego diversion of water from Curren Tunnel pursuant to water right numbers 36-123D, 36-134E, 36-135D, 36-135E, 36-10141A, and 36-10141B that bear priority dates senior to Rangen's fish propagation water rights. The foregone diversion of water by Morris will result in discharge and capture of water from the Curren Tunnel by Rangen that would have been diverted and used by Morris but for the agreement with IGWA.

9. It is necessary to apply the first three threshold factors of Rule 43.03.

### Legality of Use of North Side Canal Company Water Spilled into the Sandy Ponds

10. Morris is presently irrigating approximately 205 acres of his own land with wastewater from the Sandy Ponds. Morris, Tr. Vol. II, p. 371-72. Morris testified that he also irrigates adjacent land owned by Musser and Candy with water from the Sandy Ponds. Morris, Tr. Vol. II, pp. 363, 372.

11. Morris holds a water right to irrigate 125 acres of his own land with water from the Sandy Ponds. Department records do not identify any water rights in the name of Musser or Candy to irrigate their lands with water from the Sandy Ponds.

12. The lands of Musser, Candy, and Morris are all within the water right place of use service area of the North Side Canal Company. *See* Exhibit 3000. The Sandy Ponds were originally constructed by North Side Canal Company to capture its operational spill for water

quality purposes. When North Snake Ground Water District acquired the Sandy Ponds, it enlarged the size of the ponds. The enlargement of the ponds did not change the character or assumed ownership of the water in the ponds, however. Until other water rights are established authorizing diversion and use of water from the ponds, the Department will presume the water in the ponds is North Side Canal Company operational spill water that is being captured and may be applied to North Side Canal Company lands. *Reynolds Irr. Dist. v. Sproat*, 70 Idaho 217, 222, 214 P.2d 880, 883 (1950).

#### Quantity of Water Delivered to Rangen

13. The quantity of water available for diversion by Morris pursuant to water right numbers 36-123D, 36-134E, 36-135D, 36-135E, 36-10141A, and 36-10141B is limited by the discharge of the Curren Tunnel and by diversions of other water users pursuant to other senior water rights.

14. The Morris water rights authorize a beneficial use of irrigation. The contribution of water to Rangen by leaving water in the Curren Tunnel that normally would have been diverted by Morris only benefits Rangen during the irrigation season. In contrast, as identified in the Curtailment Order, the modeled 2014 **year-round** average Curren Tunnel depletion resulting from junior ground water pumping is 3.4 cfs. *Curtailment Order* at 42. The benefit to Rangen of Morris' non-diversion of water from the Curren Tunnel must be estimated and then compared to the year-round depletion average. The calculation of the average first year depletion of 3.4 cfs starts April 1. IGWA needs to compensate for depletions of water for the entire 365 days from April 1 to March 31.

15. Morris irrigates crops from approximately April through mid-October. Tr. Vol. II, p 392-93. The number of days he would have irrigated with water from the Curren Tunnel is approximately 184 days (April 15 through October 15). This means that IGWA can claim credit only for that volume of water available to Morris for 184 days between April 15 and October 15.

16. Flows discharging from the Curren Tunnel have been measured for approximately twenty years. The Curren Tunnel discharge is the sum of the average monthly flow measured at the mouth of the tunnel by the Department (Exhibit 2045) and the average monthly flow diverted into Rangen's six-inch PVC pipe (Exhibit 3000). The magnitude of discharges from the Curren Tunnel varies annually and seasonally depending on hydrologic conditions, related water uses, and other activities on the ESPA.

17. Table 1 lists the average irrigation season (April 15 through October 15) flow from the Curren Tunnel for years 1996 through 2013. There is a distinct change in the magnitude of average irrigation season flow values starting in 2002. It is likely that the average discharge from the Curren Tunnel during the 2014 irrigation season will be within the range represented by the 2002-2013 conditions. From 2002 through 2013, the average irrigation season flow has varied between 2.3 cfs and 5.7 cfs. The years of 2002 through 2013 will be used as a historical data set to predict the flows from the Curren Tunnel for 2014. The average of the average irrigation season values for each year from 2002 through 2013 is 3.7 cfs.

Year	Average Curren Tunnel discharge, April 15 - October 15
1996	12.4
1997	17.9
1998	17.0
1999	15.2
2000	13.9
2001	8.0
2002	4.5
2003	3.9
2004	4.4
2005	2.3
2006	5.7
2007	4.9
2008	3.2
2009	2.8
2010	2.3
2011	3.4
2012	4.1
2013	2.8
2002-2013 average	3.7

Table 1. Average Curren Tunnel discharge during Morris' irrigation season.

18. Rangen holds water rights for irrigation and domestic purposes that identify Curren Tunnel as the source of water. Water right no. 36-134B authorizes diversion of 0.09 cfs from the Curren Tunnel and bears a priority date of October 9, 1884.

19. Morris holds water rights for irrigation and stockwater purposes that identify Curren Tunnel as the source of water. Water right no. 36-134D authorizes diversion of 1.58 cfs of water from the Curren Tunnel. Water right no. 36-134E also authorizes diversion of 0.82 cfs for water from the Curren Tunnel. Both water right no. 36-134D and water right no. 36-134E bear a priority date of October 9, 1884 (identical to the priority date for Rangen's water right no. 36-134B identified above). Morris is entitled to divert a total of 2.4 cfs from the Curren Tunnel under water right nos. 36-134D and 36-134E. Morris currently diverts up to 15 miner's inches of water from the Curren Tunnel for maintenance of his irrigation pipe. Morris, Tr. Vol. II, p. 390.

20. Walter and Margaret Candy (hereafter referred to in the singular as "Candy") hold water right no. 36-134A, a water right authorizing diversion for domestic use of 0.04 cfs and irrigation of 36 acres with water from the Curren Tunnel. Water right no. 36-134A authorizes a total diversion of 0.49 cfs from the Curren Tunnel for both the domestic and irrigation uses and bears a priority date of October 9, 1884 (identical to the priority date for Rangen's water right no. 36-134B identified above). Water right 36-134A authorizes a diversion rate of 0.014 cfs per acre. Candy uses water from the Curren Tunnel for domestic use and to irrigate land around

their home. The land irrigated with water from the tunnel is approximately one half acre. Morris, Tr. Vol. II, p. 382. As stated above, the remainder of Candy's land is irrigated from the Sandy Pipeline. Candy's domestic water use is 0.04 cfs. Because irrigation is included in a small domestic use of one-half acre or less, the total use by Candy is limited to 0.04 cfs.

21. Alvin and Hope Musser Living Trust (hereafter referred to in the singular as "Musser") hold water right no. 36-102. Water right no. 36-102 authorizes the diversion of 4.1 cfs for irrigation purposes on Musser's property, and bears a priority date of April 1, 1892. Morris is farming Musser's property but Morris does not irrigate Musser's property with water right no. 36-102. Instead, Morris is irrigating the Musser's property with water from the Sandy Pipeline.

22. Rangen holds water right no. 36-135A. Water right no. 36-135A authorizes diversion of 0.05 cfs for irrigation and domestic purposes, and bears a priority date of April 1, 1908.

23. Candy holds water right no. 36-135B. Water right no. 36-135B authorizes diversion of 0.51 cfs for irrigation purposes and bears a priority date of April 1, 1908. Morris is farming Candy's property but Morris does not irrigate Candy's property with water right no. 36-135B. Instead, Morris is irrigating the land with water from the Sandy Pipeline.

24. Morris holds water right nos. 36-135D and 36-135E. Water right no. 36-135D authorizes the diversion of 1.58 cfs for irrigation and stockwater purposes. Water right no. 36-135E authorizes the diversion of 0.82 cfs for irrigation and stockwater purposes. Both water rights bear a priority date of April 1, 1908.

25. The following spreadsheet quantifies the allocation of water according to the priority dates of water rights offered for mitigation. Water right nos. 36-134A, 36-134B, 36-134D, and 36-134E are the earliest priority date (October 9, 1884) water rights authorizing diversion of water from the Curren Tunnel. The total flow rate authorized for diversion pursuant to these water rights is 2.98 cfs. A flow rate of 3.7 cfs exceeds the 2.98 cfs maximum diversion rate authorized by water rights held by Morris, Candy, and Rangen bearing an 1884 priority date. Morris will divert 0.3 cfs of Curren Tunnel water into his irrigation pipeline. Candy will divert 0.04 cfs, and because his lands are being irrigated with water from the Sandy Pipeline, he will not divert the remaining 0.45 cfs pursuant to water right no. 36-134A. Rangen will divert 0.09 cfs pursuant to water right no. 36-134B.

26. Water right no. 36-102 (Musser) is the next water right in priority bearing a priority date of April 1, 1892, and authorizing diversion of 4.1 cfs.. Because Musser lands are being irrigated by water from the Sandy Pipeline, Musser will not divert water from Curren Tunnel, and the next in line priority holders must be considered until the total quantity of use or mitigation equals 3.7 cfs.

27. Water right nos. 36-135A (Rangen), 36-135B (Candy), 36-135D (Morris), and 36-135E (Morris) all bear a priority date of April 1, 1908. Rangen will divert 0.05 cfs. Candy will not divert water authorized by water right no. 36-135B because his lands are being irrigated with

water from the Sandy Pipeline. Morris's water right nos. 36-135D and 36-135E are available for additional mitigation.

Water Right Holder	Water Right Number	Water Right Quantity (cfs)	Diverted for beneficial use, not available for mitigation (cfs)	Non-diversion of Morris water, available for mitigation (cfs)
Morris	36-134D & 36-134E	2.4	0.3	2.1
Candy	36-134A	0.49	0.04	
Rangen	36-134B	0.09	0.09	
Musser	36-102	4.1	0.00	
Rangen	36-135A	0.05	0.05	
Candy	36-135B	0.51	0.00	
Morris	36-135D	1.58	0.0	1.12
Morris	36-135E	0.82	0.00	
Total			0.5 <sup>2</sup>	3.2

As a result of the above summary, IGWA would be entitled to the following for mitigation:

$$3.7 \text{ cfs} - 0.3 \text{ cfs (Morris)} - 0.14 \text{ cfs (Rangen)} - 0.04 \text{ cfs (Candy)} = 3.2 \text{ cfs (approximately)}$$

The average annual mitigation benefit provided by the Morris water for comparison with the annual requirement (3.4 cfs for April 1, 2014, through March 31, 2015; 5.2 cfs for April 1, 2015, through March 31, 2016; etc.) is computed as follows:

$$\frac{184 \text{ days}}{365 \text{ days}} \times 3.2 \text{ cfs} = \text{annual average of } 1.6 \text{ cfs provided}$$

365 days

If Morris foregoes diversion of the 0.3 cfs from the Curren Tunnel, additional water would be available for IGWA as follows:

$$3.7 \text{ cfs} - 0.14 \text{ cfs (Rangen)} - 0.04 \text{ cfs (Candy)} = 3.5 \text{ cfs (approximately)}$$

<sup>2</sup> Number reflects rounding to the nearest 1/10 of a cfs.

If Morris foregoes diversion of the 0.3 cfs from the Curren Tunnel, the average annual benefit provided is computed as follows:

$$\frac{184 \text{ days}}{365 \text{ days}} \times 3.5 \text{ cfs} = \text{annual average of 1.8 cfs provided}$$

On April 23, 2014, Morris provided a letter to the Department agreeing to “cease diverting 0.3 CFS from Curren Tunnel through [his] irrigation pipeline.” Letter from Howard Morris to Gary Spackman, *Re: Rangen Case No. ’s CM-MP-2014-001-004* (April 23, 2014).

### **Proposal No. 3: Assignment of IGWA’s Water Right Application to Rangen**

28. IGWA proposes to assign pending application to appropriate water no. 36-16976 to Rangen as mitigation. Application no. 36-16976 proposes to appropriate 12 cfs from Springs and Billingsley Creek at Rangen’s existing physical diversion from Billingsley Creek known as the “bridge diversion.”

29. IGWA filed application to appropriate water no. 36-16976 on April 3, 2013, shortly after the Director ruled in the contested case for Rangen’s delivery call that Rangen’s water rights only authorize diversion of water from the Curren Tunnel. This ruling was the basis for a determination in the Director’s Curtailment Order that Rangen does not hold a water right authorizing diversion of water from Billingsley Creek at the bridge diversion.

30. IGWA’s water right application could be characterized as a preemptive strike against Rangen to establish a prospective priority date earlier than any later prospective priority date borne by a Rangen application.

#### Legality of Assigning Application to Appropriate Water no. 36-16976 to Rangen

31. Pursuant to Rule 43, the Director can approve Proposal No. 3 only if the Director believes that the application can provide water to Rangen in the time of need, i.e. this year. The pending application cannot be prejudged in this proceeding. IGWA essentially asked the Director to prejudge the application. The Director declines to do so. The application seeks authorization to divert 12 cfs from a point of diversion on the Rangen property. IGWA Ex. 1018 at 1. A map attached to the application shows the general area of the planned point of diversion. *Id.* at 4. The Department published notice of the application and the application was protested by Rangen. Rangen also filed a competing application and a transfer to address the point of diversion issue. The facts behind IGWA’s application and the competing application and transfer are unique. Given the uncertainty of the application given the specific facts which have developed in this case, the Director concludes that it is too speculative to consider.

### Quantity of Water Delivered to Rangen

32. As stated above, the facts behind IGWA's application and the competing application and transfer are unique. Given the uncertainty of the application given the specific facts of this case, the Director concludes that it is too speculative to determine that Rangen will deliver water in its time of need pursuant to this application.

### **Proposal Nos. 4 and 5: Mitigation with Money or Fish**

33. IGWA proposed fish replacement or monetary compensation to mitigate injury caused to Rangen by junior-priority ground water pumpers. These proposals will not be evaluated in this order because Proposal Nos. 4 and 5 were dismissed as part of IGWA's Mitigation Plan in the *Order Granting in Part and Denying in Part Rangen's Motion to Dismiss Proposals 3-9 of IGWA's Mitigation Plan and Limit Scope of Hearing* issued March 26, 2014.

### **Proposal No. 6: Cleaning, Deepening, or Enlarging Curren Tunnel**

34. IGWA suggests that cleaning, maintaining, and improving the Curren Tunnel will increase the flows from Curren Tunnel. IGWA implies that the Director should require that Rangen grant IGWA access to the tunnel to remove debris and rock from the tunnel and to assess whether the tunnel can be deepened or enlarged.

### Quantity of Water Delivered to Rangen from Proposed Tunnel Cleaning

35. At the hearing, Erwin was asked about clean out work he did on the Curren Tunnel in the mid-1970s for a previous owner of Morris' property. Erwin Tr. Vol. II, p. 331-32. When asked how far back into the tunnel he worked, he testified that he went back to the end of the corrugated metal pipe and his work focused on cleaning rock and debris out of the tunnel at this point in an attempt to improve flows into corrugated metal pipe. *Id.* at 332-33. When asked whether this improved the flow out of the Curren Tunnel, Erwin stated, "I think at that particular point in time it probably increased the flow coming out of the pipe and probably lessened the flow that was running around the pipe." *Id.* at 334. Erwin was then asked about other tunnels that had been cleaned out. He testified that "there was some work done on the Hoagland Tunnel to remove debris and to possibly improve the flow at the mouth of the tunnel" but that he could not describe exactly what work had been done because he did not perform the work. *Id.* at 336. He also testified that he performed maintenance work on the Florence Livestock Spring Tunnel, and still had some more work to do on it, but that "the only debris that is being removed is at the actual mouth or outflow of the tunnel" and that it is "from rock and debris [that has fallen] into the ditch that carries the water away from the tunnel outside of the area of the tunnel." *Id.* at 337. He testified, "We did not, to my knowledge, increase the water coming out of the tunnel." *Id.* at 338.

36. Morris was also asked about his clean out work on the Hoagland Tunnel. Morris Tr. Vol. II, p. 384. He testified that he cleans the Hoagland Tunnel "annually" and that the work increased the flow of water but that the work was not on the inside of the tunnel but "[p]retty much, on the outside of the tunnel." *Id.* at 385. Dr. Brockway testified that he did go "about 100

feet” into the Curren Tunnel “probably around 1995” and that “at least for that hundred feet there was no debris in the tunnel.” Brockway Tr. Vol. III, p. 707, 715. Dr. Brockway testified that he would not expect there to be a lot of debris in the bottom of the tunnel because the tunnel was developed in basalt. *Id.* at 708. He concluded that cleaning the tunnel “would result in very little, if any, increase of flow.” *Id.* at 708. Dr. Charles Brendecke, an expert for IGWA, testified “I’m aware that periodically there’s debris build-up upstream of the corrugated pipe” but that he does not know “the degree to which this causes flows to be diverted away from the normal outlet at the tunnel.” Brendecke Tr. Vol. III, p. 553-54.

#### Quantity of Water Delivered to Rangen from an Enlargement or Deepening of Curren Tunnel

37. There is evidence in the record that deepening or enlarging the Curren Tunnel could increase flows from the Curren Tunnel. However, there is no evidence quantifying the potential increase and the record lacks a specific plan of how IGWA would enlarge or deepen the tunnel to timely provide water during the 2014 irrigation season. Moreover, testimony in the record raises concern about whether enlarging or deepening the tunnel would negatively change the hydrology of the tunnel.

#### **Proposal No. 7: Construction of a Horizontal Well**

38. IGWA proposes to drill a horizontal well in the vicinity of the Curren Tunnel and divert the water from the well to Rangen’s facility. IGWA proposes to drill the horizontal well near the Curren Tunnel at an elevation lower than the outlet of the Curren Tunnel.

#### Legality of Constructing a Horizontal Well

39. Prior to construction of a horizontal well, IGWA would need to obtain a water right to divert and beneficially use water from the horizontal well. IGWA has not filed any applications to appropriate water from a horizontal well. IGWA did not identify a location for construction of the well, and did not present any evidence about land ownership or easements on land where a well could be constructed. The source of water proposed to be diverted is trust water. The Department has issued a moratorium on all appropriations of water from the ESPA in the area where the proposed horizontal well would be constructed. Any horizontal well proposal will need to address injury to other water users. IGWA failed to satisfy its burden because it failed to present any evidence that it will be able to address the injury to other water users.

#### Quantity of Water Delivered to Rangen

40. IGWA has failed to present evidence that it could timely deliver water to Rangen when water is needed by Rangen in 2014. No evidence was presented quantifying the available water supply. The lack of information makes the proposal too speculative to approve.

### **Proposal No. 8: Mitigation With Water from New Wells or Existing Wells**

41. IGWA proposes to drill new ground water wells or utilize existing wells to deliver water directly to Rangen. IGWA asserts this plan would be similar to its over-the-rim plan previously approved in the Snake River Farm delivery call.

#### Legality of Diverting Ground Water From New or Existing Wells and Delivering the Water to Rangen for Mitigation

42. IGWA has not identified any water rights that could be exercised, through a change in nature of use, to deliver water to Rangen. Because no water rights have been identified, the Director cannot evaluate important components of the water rights such as priority date, flow rate limitations, volume limitations, and periods of use to determine whether water diverted pursuant to the water rights could be delivered for mitigation.

43. IGWA cites the Director's approval of the over-the-rim plan in the Snake River Farm delivery call as support for its argument that the Director should conditionally approve Proposal No. 8 and then allow IGWA to provide engineering and other plans at a later date. However, there are important distinctions between the progress IGWA had made in the over-the-rim plan when it was considered by the Department and this plan. At the time the hearing for the over-the-rim plan was heard, IGWA had exerted significant effort to justify the plan, including identifying water rights that would be acquired and wells that could be used, testing of water temperature, quality, and evaluating the reliability and biosecurity of the proposed pumping system. IGWA had also provided preliminary engineering plans. While the Director conditionally approved the over-the-rim plan, IGWA had taken significant steps towards implementation of that plan. Here, IGWA has not taken any steps toward implementation of this proposal.

44. There is no evidence in the record that would allow the Director to recognize mitigation provided through new or existing wells.

#### Quantity of Water Delivered to Rangen

45. No evidence was presented in the record about how water could physically be delivered to Rangen, and whether IGWA could obtain necessary rights of way. No quantification of available water was presented. Planning and design for an over-the-rim project would take at least six months. IGWA could not timely deliver water to Rangen when water is needed in 2014.

### **Proposal No. 9: Mitigation by Pumping Water in Billingsley Creek Back to Rangen**

46. IGWA proposes a direct pump-back and aeration system within the Rangen facility to satisfy mitigation obligations.

## Legality of IGWA Providing a Direct Pump-Back and Aeration System Within the Rangen Facility

47. There is no evidence in the record that IGWA has the water rights or property access to construct and operate a pump-back and aeration system to provide mitigation to Rangen. IGWA did not present any evidence about how the water rights or property access would be acquired. IGWA also failed to provide even basic design plans in support of this proposal.

## Delivery of Pump-Back Water to Rangen

48. There is no evidence in the record that IGWA could timely deliver water to Rangen when Rangen needs the water in 2014.

## **Mitigation Shortfall**

49. Proposal No. 1 provides an average of 1.2 cfs during the first year (April 1, 2014, through March 31, 2015) through aquifer enhancement activities.

50. Proposal No. 2 provides an average of 1.8 cfs through delivery of water not diverted by Morris.

51. There is no evidence in the record establishing that other proposals would provide mitigation during the first year.

52. The Mitigation Plan provides an average predicted benefit of 3.0 cfs during the first year, if Morris foregoes diversion of all water from the Curren Tunnel as stated in his letter.

53. The Mitigation Plan fails to provide the required 3.4 cfs during the first year, and the mitigation shortfall is 0.4 cfs.

54. Curtailment dates coinciding with various priority dates were iteratively entered into ESPAM 2.1 to determine the curtailment date required to provide the mitigation shortfall. A curtailment date of July 1, 1983, is predicted to provide an average benefit of 0.4 cfs during the first year to the Curren Tunnel.

## **Conclusion**

55. IGWA's evidence established that foregone diversion of Curren Tunnel water by Morris is predicted to deliver an average of 1.8 cfs water directly to Rangen from April 1, 2014, through March 31, 2015, if Morris foregoes diversion of all water from the Curren Tunnel as stated in his letter.

56. IGWA's evidence established that it can provide an average of 1.7 cfs of water to Rangen through its aquifer enhancement activities, based on steady state ESPAM 2.1 model runs.

57. IGWA's evidence established that it can provide 1.2 cfs of water from its aquifer enhancement activities, based on transient ESPAM 2.1 model runs, from April 1, 2014, through March 31, 2015.

58. IGWA's evidence established that it can provide a total of 3.5 cfs in steady state benefits to Rangen. The steady state mitigation credit of 3.5 cfs is 5.6 cfs less than the 9.1 cfs obligation.

60. IGWA can provide a total of 3.0 cfs of direct flow benefits to Rangen from April 1, 2014, through March 31, 2015. The mitigation credit of 3.0 cfs is 0.4 cfs less than the 3.4 cfs obligation. ESPAM 2.1 determines that water rights bearing priority dates of July 1, 1983, or later (junior) must be curtailed to provide the 0.4 cfs to Rangen.

61. IGWA did not establish that it can provide any steady state benefits or direct delivery of water to Rangen in the current annual period for the following proposals: assignment of a water right application, cleaning and/or reconstruction of the Curren Tunnel, drilling a horizontal well, delivery of water from new or existing wells, or pumping water back through the Rangen facility.

## **CONCLUSIONS OF LAW**

### **Aquifer Enhancement Activities**

1. IGWA is entitled to a mitigation credit of 1.7 cfs toward its steady state obligation of 9.1 cfs because of its aquifer enhancement activities.

2. IGWA is entitled to a mitigation credit of 1.2 cfs toward its April 1, 2014, through March 31, 2015, direct flow obligation of 3.4 cfs because of its aquifer enhancement activities.

3. The steady state and direct flow obligations are separate alternatives in the Director's Curtailment Order, and the model simulations resulting in the above steady state and direct flow credits are mutually exclusive.

### **Irrigation Water Not Diverted from the Curren Tunnel**

4. IGWA is entitled to a mitigation credit of 1.8 cfs for Curren Tunnel water directly provided to Rangen because of the non-diversion of irrigation water from the Curren Tunnel pursuant to water rights held by Morris and because Morris has agreed to cease diverting any water from the Curren Tunnel through his irrigation pipeline. The quantity of 1.8 cfs counts toward both the steady state and direct flow obligations in the Curtailment Order.

### **Assignment of IGWA's Water Right Application to Rangen**

5. Because all IGWA offered to Rangen at the hearing is assignment of a bare application to appropriate water for mitigation with no supporting evidence about its development and perfection, there is currently no legal basis for the Director to hold that an application to appropriate water can provide mitigation to Rangen. Furthermore, the unique factual situation of this case will likely play an important role in the application proceeding. IGWA is not entitled to any mitigation credit for its proposal to assign application to appropriate water no. 36-16976 to Rangen.

### **Cleaning, Deepening, or Enlarging Curren Tunnel**

6. IGWA is asking the Director to grant it mitigation credit for cleaning the Curren Tunnel. Even if the Director were inclined to grant some sort of credit, there is no evidence in the record for determining the credit. Erwin, the only person with firsthand experience with the cleaning of the inside of a tunnel, testified the work he did in the Curren Tunnel "probably" increased the flow discharging from the tunnel, but provided no estimate. Dr. Brockway concluded that cleaning the Curren Tunnel "would result in very little, if any, increase of flow." There simply is not sufficient evidence in the record to support granting credit to IGWA for cleaning the Curren Tunnel.

7. The Conjunctive Management Rules require that a senior water right holder maintain a reasonable means of diversion. Occasional cleaning of the diversion works is a reasonable expectation. The Director will order and instruct Rangen to inspect the tunnel at both ends of the corrugated metal pipe and clean any debris from the tunnel to improve flows into and from corrugated metal pipe. Rangen must grant IDWR access at the time of cleaning to observe and document the extent of cleaning.

8. Any physical work to deepen or enlarge the tunnel could not be completed to timely provide water to Rangen during the 2014 irrigation season when the water is needed.

9. Legitimate concerns exist about whether deepening or enlarging the tunnel would reduce flows instead of improve flows. The lack of a detailed proposal of how to enlarge or deepen the tunnel, when coupled with the uncertainty associated with the project and the potential negative impacts on other water right holders, is cause for rejecting the deepening or enlarging proposal.

10. IGWA is not entitled to any mitigation credit for its proposals to clean, deepen, or enlarge the Curren Tunnel.

### **Construction of a Horizontal Well**

11. IGWA did not establish what water rights would be exercised to deliver water to Rangen from a new horizontal well. IGWA did not identify a location for construction of the well, and did not present any evidence about land ownership or easements on land where a well

could be constructed. The planning and construction of a delivery system could not be completed in 2014 during the time water is needed by Rangen.

12. IGWA is not entitled to any mitigation credit for its proposal to provide mitigation water directly to Rangen from a newly constructed horizontal well.

#### **Mitigation with Water from New Wells or Existing Wells**

13. IGWA did not establish what water rights would be exercised or that there were any commitments by the owners of wells, either by contract or acquisition, authorizing diversion of water to Rangen from new wells or existing wells for mitigation. The planning and construction of a delivery system could not be completed in 2014 during the time water is needed by Rangen.

14. IGWA is not entitled to any mitigation credit for its proposal to provide mitigation water directly to Rangen from new wells or existing wells.

#### **Mitigation by Pumping Water in Billingsley Creek Back to Rangen**

15. IGWA did not establish what water rights would be exercised or that IGWA owns, or that there are commitments by an owner of land, authorizing construction of a pump-back system and delivery of Billingsley Creek water.

16. IGWA's failure to provide even basic design plans for a pump-back system is justification for denial of this proposal.

17. IGWA is not entitled to any mitigation credit for its proposal to provide mitigation water from Billingsley Creek directly to Rangen through a pump-back system.

#### **Conclusion**

18. IGWA is entitled to a total steady state mitigation credit of 3.5 cfs toward its steady state obligation of 9.1 cfs.

19. IGWA is entitled to a total direct credit of 3.0 cfs toward its first annual period direct flow obligation of 3.4 cfs as a result of Morris' agreement not to divert any water from the Curren Tunnel. The mitigation credit of 3.0 cfs is 0.4 cfs less than the 3.4 cfs obligation. ESPAM 2.1 determines that water rights bearing priority dates of July 1, 1983, or later must be curtailed to provide the 0.4 cfs to Rangen.

### **ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the Director APPROVES Proposal No. 1 (aquifer enhancement activities) and Proposal No. 2 (delivery of Morris Curren Tunnel water) of IGWA's Mitigation Plan.

IT IS FURTHER ORDERED that the Director rejects Proposal Nos. 3 and 6 through 9 of IGWA's Mitigation Plan.

IT IS FURTHER ORDERED that Rangen shall inspect the Curren Tunnel at both ends of the corrugated metal pipe and clean any debris from the tunnel to improve flows into and from corrugated metal pipe. Rangen must grant IDWR access at the time of cleaning to observe and document the extent of cleaning.

IT IS FURTHER ORDERED that IGWA is granted 1.2 cfs of transient mitigation credit for the annual period from April 1, 2014, through March 31, 2015, because of its past and ongoing, multi-year aquifer enhancement activities.

IT IS FURTHER ORDERED that IGWA is granted 1.8 cfs of mitigation credit for the annual period from April 1, 2014, through March 31, 2015, for direct delivery of surface water from Curren Tunnel to Rangen, because Morris agreed to cease diverting any water from the Curren Tunnel through his irrigation pipeline.

IT IS FURTHER ORDERED that, IGWA will be granted 3.0 cfs of total annual mitigation credit for the annual period from April 1, 2014, through March 31, 2015.

IT IS FURTHER ORDERED that the 3.0 cfs total mitigation credit is 0.4 cfs less than the annual mitigation requirement of 3.4 cfs for the annual period from April 1, 2014, through March 31, 2015.

IT IS FURTHER ORDERED that water rights bearing priority dates junior or equal to July 1, 1983, shall be curtailed during the 2014 irrigation season.

IT IS FURTHER ORDERED that the stay issued in the February 21, 2014, *Order Granting IGWA's Petition to Stay Curtailment* of the Curtailment Order is hereby lifted.

IT IS FURTHER ORDERED that at 12:01 a.m. on or before May 5, 2014, users of ground water holding consumptive water rights bearing priority dates junior or equal to July 1, 1983, as may be determined from Attachment A to this order, within the area of common ground water, located west of the Great Rift, and within a water district that regulates ground water, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that this amended order of curtailment has been modified or rescinded as to their water rights. This order shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.<sup>3</sup>

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<sup>3</sup> Curtailment was stayed by separate order of the Director dated April 28, 2014. *Order Granting IGWA's Second Petition to Stay Curtailment*. The stay is still in place but the stay may be revoked upon further order of the Director.

IT IS FURTHER ORDERED that, pursuant to Conjunctive Management Rule 37.03.11.040.40, watermasters for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, shall permit the diversion and use of ground water by water rights with priority date senior to July 1, 1983, to continue out of priority diversions within the water district provided IGWA's Mitigation Plan is complied with.

Dated this 16<sup>th</sup> day of May, 2014.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16<sup>th</sup> day of May, 2014, the above and foregoing document was served on the following by providing a copy of the *AMENDED ORDER APPROVING IN PART AND REJECTING IN PART IGWA'S MITIGATION PLAN; ORDER LIFTING STAY ISSUED FEBRUARY 21, 2014; AMENDED CURTAILMENT ORDER* in the manner selected:

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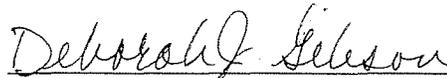
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---

Deborah J. Gibson  
Admin. Assistant to the Director

# **Exhibit 4**

**SERVICE COPY**

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**Attorneys for Petitioner, Rangen, Inc.**

**DISTRICT COURT**  
**TWIN FALLS CO., IDAHO**  
**J. Justin May (ISB No. 5818)**  
**MAY, BROWNING & MAY, PLLC**  
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**jmey@maybrowning.com** **DEPUTY**

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**  
**STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**RANGEN, INC., an Idaho Corporation,**

**Petitioner,**

**vs.**

**IDAHO DEPARTMENT OF WATER**  
**RESOURCES and GARY SPACKMAN, in**  
**his official capacity as Director of the Idaho**  
**Department of Water Resources,**

**Respondent.**

**Case No. CV-** *2014-2446*  
**PETITION FOR JUDICIAL REVIEW**  
**L(3): \$96.00**

COMES NOW the Petitioner, RANGEN, INC. ("Petitioner" or "Rangen"), by and through its attorneys of record, Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C.; Robyn M. Brody of Brody Law Office, PLLC; and J. Justin May of May Browning & May,

1 PLLC, and pursuant to Idaho Code Sections 67-5270 through 67-5279 and I.R.C.P. 84 files this  
2 Petition for Judicial Review as follows:

3 **PETITION FOR JUDICIAL REVIEW**

4 1. Petitioner owns and operates a fish research and propagation facility in the  
5 Thousand Springs area near Hagerman, Gooding County, State of Idaho. The Petitioner  
6 Corporation is located and generally operates its business out of Buhl, Twin Falls County, State  
7 of Idaho

8 2. The Petitioner operates the facility with several water rights. Because the  
9 Petitioner was not receiving the amount of water it rightfully possess under water rights 36-  
10 02551 and 36-07694, Rangen filed a water call under Idaho's Constitution, statutes, and rules  
11 adopted by the Respondent, Idaho Department of Water Resources (hereinafter "Respondent" or  
12 "Department"), for conjunctive administration of water rights. The water call was filed on  
13 December 13, 2011. This matter came before the Department based on a contested case ("water  
14 call") in Department Case No. CM-DC-2011-004. The Director issued a final order finding that  
15 Rangen is being materially injured by junior-priority groundwater pumping and ordered  
16 curtailment of junior rights on January 29, 2014. On February 21, 2014, the Director entered an  
17 *Order Granting IGWA's Petition to Stay Curtailment* in Case No. CM-DC-2011-004 ("*First Stay*  
18 *Order*")

20 3. Thereafter, the Director held a hearing on the Idaho Ground Water Appropriators,  
21 Inc.'s ("IGWA") First Mitigation Plan, Department Case No. CM-MP-2014-001. Rangen filed a  
22 Protest to that Plan. On April 11, 2014, after a hearing, the Director of the Department issued an  
23 *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay*  
24

1 Issued February 21, 2014; Amended Curtailment Order, issued in Case Nos. CM-MP-2014-001  
2 and CM-DC-2011-004 ("Order").

3 4. On April 17, 2014, IGWA filed its *Second Petition to Stay Curtailment, and*  
4 *Request for Expedited Decision* in CM-DC-2011-004 ("*Second Stay Petition*"). The Director  
5 issued an *Order Granting IGWA's Second Stay Petition* on April 28, 2014 ("*Second Stay*  
6 *Order*").

7 5. Motions for Reconsideration were filed on the Order. Rangen filed a Motion for  
8 Reconsideration. On May 16, 2014, the Director issued his *Final Order on Reconsideration* in  
9 Case Nos. CM-MP-2014-001 and CM-DC-2011-004 ("*Final Order on Reconsideration*"). He  
10 also issued simultaneously therewith an *Amended Order Approving in Part and Rejecting in Part*  
11 *IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment*  
12 *Order* in Case Nos. CM-MP-2014-001 and CM-DC-2011-004 ("*Amended Order*").

13 6. Name of agency from which judicial review is sought: Idaho Department of  
14 Water Resources ("Respondent") and its Director Gary Spackman, an agency of the State of  
15 Idaho.  
16

17 7. The Petition is taken to the District Court of the Fifth Judicial District, County of  
18 Twin Falls.

19 8. Decisions being appealed: The *First Stay Order; Order; Second Stay Order;*  
20 *Amended Order; and Final Order on Reconsideration.*

21 9. A transcript of all proceedings in Case No. CM-DC-2011 is requested. A  
22 transcript of those proceedings has been prepared previously, but to the extent it has not been  
23 prepared or does not include any proceedings since January 29, 2014, that transcript is requested.  
24 The Petitioner also requests a transcript of all proceedings in CM-MP-2014-001. The contested  
25

1 hearing held between March 17-19, 2014, was believed to have been recorded by the  
2 Department. Also, there was a transcript prepared by M&M Court Reporters, Boise, Idaho. All  
3 other proceedings, including monthly status conferences, were recorded by the Department.

4 10. Petitioner has requested an estimate for preparation of the transcript and record,  
5 and Petitioner has tendered an estimated fee for same.

6 11. The Petitioner's substantial rights have been prejudiced by the Department's Orders  
7 including, but not necessarily limited to the diminishment of water rights, 36-02551 and 36-  
8 07694, as those rights were Decreed by the Snake River Basin Water Adjudication and permitted  
9 and licensed by the Department, and the failure of the Department to account for all water  
10 available to Rangen from this water call under the operation of the Department's ground water  
11 model, ESPAM2.1, and the Director's *Order, Second Stay Order, Amended Order, Order on*  
12 *Reconsideration* have denied the Petitioner's rights to receive its legally entitled water under  
13 water rights duly perfected under Idaho law. Furthermore, the Petitioner's substantial rights have  
14 been prejudiced by the failure of the Director and Department to deliver that amount of water  
15 necessary to address the Petitioner's injury caused by junior groundwater pumping.

16 12. Under the standards of evaluation as set forth under Idaho Code Section 67-5279,  
17 the *First Stay Order; Order; Second Stay Order; Amended Order; and Final Order on*  
18 *Reconsideration:*

- 19
- 20 a. are in violation of constitutional, statutory provisions or administrative rules  
21 of the Department;
  - 22 b. are in excess of the statutory authority or authority of the Department under  
23 the administrative rules of the Department;
  - 24 c. were made upon unlawful procedures; and  
25

1 d. were arbitrary, capricious, and/or an abuse of the agency discretion.

2 13. The issues presented for the appeal, as identified in paragraph 12, and as more  
3 specifically identified in this paragraph include, but are not necessarily limited to, the following:

4 a. Whether as a matter of fact or law, the Director failed to account for the  
5 Petitioner's 1957 water right, 36-15501, and whether the Director should have  
6 taken the 1957 right into account when he determined IGWA's mitigation credits  
7 for water diverted through the Sandy Pipeline rather than through the Martin  
8 Curren Tunnel.

9 b. Whether a correct accounting of the Petitioner's 1957 water right would have  
10 required the Director to recalculate his findings of fact and conclusions of law on  
11 what mitigation credits IGWA was entitled to receive based on water that was not  
12 diverted from the Martin Curren Tunnel, but rather, diverted from the Sandy  
13 Pipeline.

14 c. Whether the Director correctly utilized average flows from the Martin Curren  
15 Tunnel, instead of actual flows, and whether the use of average flows allowed  
16 IGWA to receive more mitigation credits than to which it is entitled.

17 d. Whether IGWA satisfied its burden in showing that it deserved credits for those  
18 water rights held by Butch Morris without a showing that those water rights are  
19 actually available to Mr. Morris.

20 e. Whether the Conjunctive Management Rules, as applied to this case, result in the  
21 Petitioner being deprived of its Constitutionally protected property rights and its  
22 right to have its water rights timely administered in accordance with the prior  
23 appropriation doctrine.

24 f. Whether the Director appropriately calculated mitigation credit.  
25

- 1 g. Whether the Director appropriately modified the curtailment order to allow  
2 continued pumping without partial mitigation.  
3 h. Whether the Director has discretion to issue a Stay.  
4 i. Whether the Director abused his discretion by the issuance of a Stay.  
5 j. Whether the Director erred by partially approving a mitigation plan based upon  
6 the projection of future flows without a contingency for if flows are not as  
7 anticipated.

8  
9 14. Petitioner reserves the right to file a separate statement of the issues within  
10 fourteen (14) days after the filing of this Petition.

11 15. Other parties to the Case included the City of Pocatello, the Idaho Ground Water  
12 Appropriators, Inc. ("IGWA"), the A&B Irrigation District, American Falls Reservoir District #  
13 2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side  
14 Canal Company, the Twin Falls Canal Company (collectively, the "Surface Water Coalition" or  
15 "SWC"), and Blind Canyon Aquaranch, Inc. .

16 16. Service of this Petition has been made on the Department, and notice of this filing  
17 has been made on parties to the contested case in CM-DC-2011-004 and CM-MP-2014-001.

18 **DEMAND FOR ATTORNEY FEES AND COSTS**

19 As a result of the Department's actions, Petitioner has had to retain counsel. For services  
20 rendered, the Petitioner is entitled to attorney fees and costs should they prevail in this action  
21 pursuant to Idaho Code Section 12-117 and pursuant to Rule 54 of the Idaho Rules of Civil  
22 Procedure.  
23  
24  
25

**RIGHT TO AMEND**

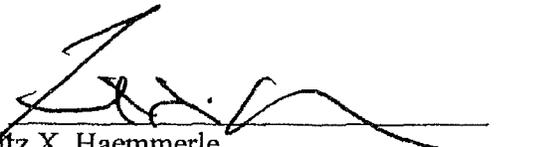
1  
2 The Petitioner reserve the right to amend this Petition in any respect as motion practice  
3 and discovery proceed in this matter.

4 WHEREFORE, the Petitioner prays for the following relief:

- 5 A. A finding that the *First Stay Order; Order; Second Stay Order; Amended Order;*  
6 *and Final Order on Reconsideration:* were:
- 7 a. in violation of constitutional, statutory provisions or current administrative  
8 rules of the Department;
  - 9 b. in excess of the statutory authority or administrative rules of the Department;
  - 10 c. made upon unlawful procedures; and
  - 11 d. arbitrary, capricious, and/or an abuse of the agency discretion.
- 12 B. That the Court set aside the *First Stay Order; Order; Second Stay Order;*  
13 *Amended Order; and Final Order on Reconsideration* in whole or part, and/or  
14 remand the foregoing Orders back for further proceedings;
- 15 C. For an award of reasonable costs and attorneys' fees pursuant to applicable law,  
16 including but not limited to Idaho Code Section 12-117, and Idaho Rule of Civil  
17 Procedure 54; and
- 18 D. For such other and further relief as the Court deems just and equitable.

19  
20 RESPECTFULLY SUBMITTED this 3 day of June, 2014.

21 HAEMMERLE & HAEMMERLE, P.L.L.C.

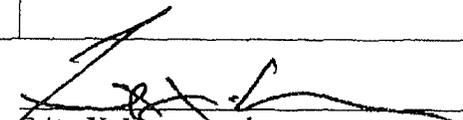
22  
23 By:   
24 Fritz X. Haemmerle  
25

**CERTIFICATE OF SERVICE**

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 13 day of June, 2014 she caused a true and correct copy of the foregoing document to be served upon the following as indicated:

<p><b>Courtesy Copy to:</b> Snake River Basin Adjudication Court P.O. Box 2707 Twin Falls, ID 83303-2707</p>	<p>Hand Delivery <input checked="" type="checkbox"/></p> <p>U.S. Mail <input type="checkbox"/></p> <p>Facsimile <input type="checkbox"/></p> <p>Federal Express <input type="checkbox"/></p> <p>E-Mail <input type="checkbox"/></p>
<p><b>Original:</b> Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 deborah.gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input checked="" type="checkbox"/></p> <p>U.S. Mail <input checked="" type="checkbox"/></p> <p>Facsimile <input type="checkbox"/></p> <p>Federal Express <input type="checkbox"/></p> <p>E-Mail <input checked="" type="checkbox"/></p>
<p>Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/></p> <p>U.S. Mail <input type="checkbox"/></p> <p>Facsimile <input type="checkbox"/></p> <p>Federal Express <input type="checkbox"/></p> <p>E-Mail <input checked="" type="checkbox"/></p>
<p>Randall C. Budge TJ Budge RACINE, OLSON, NYE, BUDGE &amp; BAILEY, CHARTERED 201 E. Center Street P.O. Box 1391 Pocatello, ID 83204 rcb@racinelaw.net tjb@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/></p> <p>U.S. Mail <input type="checkbox"/></p> <p>Facsimile <input type="checkbox"/></p> <p>Federal Express <input type="checkbox"/></p> <p>E-Mail <input checked="" type="checkbox"/></p>
<p>Sarah Klahn Mitra Pemberton WHITE &amp; JANKOWSKI Kittredge Building, 511 16th Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com</p>	<p>Hand Delivery <input type="checkbox"/></p> <p>U.S. Mail <input type="checkbox"/></p> <p>Facsimile <input type="checkbox"/></p> <p>Federal Express <input type="checkbox"/></p> <p>E-Mail <input checked="" type="checkbox"/></p>

1	mitrap@white-jankowski.com	
2	Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
3		
4	John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
5		
6	W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318 wkf@pmt.org	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
7		
8	Jerry R. Rigby Hyrum Erickson Robert H. Wood Rigby, Andrus & Rigby, Chartered 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com herickson@rex-law.com rwood@rex-law.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
9		
10	Gary Lemmon Blind Canyon Aquaranch, Inc. 2757 S 1050 East Hagerman, ID 83332 glemmon@northrim.net	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
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 Fritz X. Haemmerle

# Exhibit 5

1 **Robyn M. Brody (ISB No. 5678)**  
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7 **robynbrody@hotmail.com**

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J. Justin May (ISB No. 5818)  
MAY, BROWNING & MAY, PLLC  
1419 W. Washington  
Boise, ID 83702-17 PM 12:57  
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jmay@maybrowning.com  
CLERK  
DEPUTY

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6 **HAEMMERLE & HAEMMERLE, PLLC**  
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11 **fxh@haemlaw.com**

12 **Attorneys for Petitioner, Rangen, Inc.**

13  
14 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**  
15 **STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

16 **RANGEN, INC., an Idaho Corporation,**

17 **Petitioner,**

18 **vs.**

19 **IDAHO DEPARTMENT OF WATER**  
20 **RESOURCES and Gary Spackman, in his**  
21 **official capacity as Director of the Idaho**  
22 **Department of Water Resources,**

23 **Respondent.**

) **Case No. CV- 2014-2935**

) **PETITION FOR JUDICIAL REVIEW**

) **L(3): \$221.00**

24 **COMES NOW the Petitioner, RANGEN, INC. ("Petitioner" or "Rangen"), by and**  
25 **through its attorneys of record, Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C.;**  
**Robyn M. Brody of Brody Law Office, PLLC; and J. Justin May of May Browning & May,**

1 PLLC, and pursuant to Idaho Code Sections 67-5270 through 67-5279 and I.R.C.P. 84 files this  
2 Petition for Judicial Review as follows:

3 **PETITION FOR JUDICIAL REVIEW**

4 1. Petitioner owns and operates a fish research and propagation facility in the  
5 Thousand Springs area near Hagerman, Gooding County, State of Idaho. The Petitioner  
6 Corporation is located and generally operates its business out of Buhl, Twin Falls County, State  
7 of Idaho

8 2. The Petitioner operates the facility with several water rights. Because the  
9 Petitioner was not receiving the amount of water it rightfully possesses under water rights 36-  
10 02551 and 36-07694, Rangen filed a water call under Idaho's Constitution, statutes, and rules  
11 adopted by the Respondent, Idaho Department of Water Resources (hereinafter "Respondent" or  
12 "Department"), seeking conjunctive administration of water rights. The water call was filed on  
13 December 13, 2011. This matter came before the Department based on a contested case ("water  
14 call") in Department Case No. CM-DC-2011-004.

15 3. On January 29, 2014, Gary R. Spackman, the Director of the Department, entered  
16 an order finding that Rangen is being materially injured by junior-priority groundwater pumping  
17 within the Eastern Snake Plain Aquifer and west of the Great Rift. The Director entered an order  
18 of curtailment requiring that the holders of junior-priority groundwater rights deliver specified  
19 quantities of water at specified times or be curtailed.

20 4. Thereafter, Idaho Ground Water Appropriators, Inc.'s ("IGWA") filed its Second  
21 Mitigation Plan ("Tucker Springs Plan"). Rangen timely filed a Protest to the Tucker Springs  
22 Plan. On June 20, 2014, after hearing, the Director issued his *Order Approving IGWA's Second*  
23  
24  
25

1 *Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order,*  
2 issued in Case Nos. CM-MP-2014-003 and CM-DC-2011-004 (“*Order*”).

3 5. No Motions for Reconsideration were filed on the *Order*.

4 6. Name of agency from which judicial review is sought: Idaho Department of  
5 Water Resources, an agency of the State of Idaho, and its Director Gary Spackman  
6 (“Respondents”). .

7 7. The Petition is taken to the District Court of the Fifth Judicial District, County of  
8 Twin Falls.

9 8. Decisions being appealed: The *Order*.

10 9. A transcript of all proceedings in Case No. CM-DC-2011-004 is requested. The  
11 Petitioner believes a transcript of that proceeding has been prepared, and to the extent it has not  
12 been prepared, that transcript is requested. The Petitioner also requests a transcript of all  
13 proceedings in CM-MP-2014-003. The contested hearing held between June 4-6, 2014, was  
14 believed to have been recorded by the Department. Also, there was a transcript prepared by  
15 M&M Court Reporters, Boise, Idaho. All other proceedings, including status conferences, were  
16 recorded by the Department.  
17

18 10. Petitioner has requested an estimate for preparation of the transcript and record,  
19 and Petitioner has tendered an estimated fee for same.

20 11. The Petitioner's substantial rights have been prejudiced by the *Order* including,  
21 but not necessarily limited to, the diminishment of water rights, 36-02551 and 36-07694, as those  
22 rights were Decreed by the Snake River Basin Water Adjudication and permitted and licensed by  
23 the Department, and the failure of the Department to account for all water available to supply  
24 Rangen's water rights pursuant to its 2011 water delivery call analyzed using the Department's  
25

1 ground water model, ESPAM2.1, and the *Order* denies the Petitioner's right to receive its legally  
2 entitled water under water rights duly perfected under Idaho law. Furthermore, the Petitioner's  
3 substantial rights have been further prejudiced by the failure of the Director and Department to  
4 deliver that amount of water necessary to address the Petitioner's injury caused by junior-priority  
5 groundwater pumping.

6 12. Under the standards of evaluation as set forth under Idaho Code Section 67-5279,  
7 the *Order*:

- 8 a. is in violation of constitutional, statutory provisions or administrative rules of  
9 the Department;
- 10 b. is in excess of the statutory authority or authority of the Department under the  
11 administrative rules of the Department;
- 12 c. was made upon unlawful procedures; and
- 13 d. was arbitrary, capricious, and/or an abuse of the agency discretion.

14  
15 13. The issues presented for the appeal, as identified in paragraph 12, and as more  
16 specifically identified in this paragraph include, but are not necessarily limited to, the following:

- 17 a. Whether the Director erred or exceeded his authority by approving a mitigation  
18 plan that does not provide replacement water, at the time and place required by  
19 Rangen, sufficient to offset the on-going depletive effect of ground water  
20 withdrawals by junior-priority groundwater pumping.
- 21 b. Whether the Director erred or exceeded his authority by failing to require a  
22 contingency plan and adequate conditions and provisions to assure protection of  
23 Rangen's water rights in the event the conditions of the Second Mitigation Plan  
24 are not satisfied or if the proposed mitigation water becomes unavailable or is not  
25

1 otherwise delivered for any reason, including the failure to satisfy the conditions  
2 set forth in the *Order* and other requirements of State and Federal law.

- 3 c. Whether the Director erred or exceeded his authority by allowing continued out-  
4 of-priority ground water pumping pursuant to a conditionally approved mitigation  
5 plan.
- 6 d. Did the Director adequately consider and include in his *Order* all of the necessary  
7 conditions that must be satisfied before IGWA can deliver Tucker Springs water  
8 to Rangen for mitigation, including, but not limited to, the improvements required  
9 to be made to the Aqua Life Facility and the agreement IGWA entered into with  
10 the Idaho State Board of Water Resources and Idaho Fish and Game.
- 11 e. Whether the Second Mitigation Plan provides for monitoring and adjustments as  
12 necessary to protect Rangen's senior-priority water rights and other senior-  
13 priority water rights from material injury.
- 14 f. Whether the Director erred, exceeded his authority or otherwise abused his  
15 discretion in recalculating the credit given for the Morris/Sandy Pipeline  
16 exchange water.
- 17 g. Whether the Director's calculation of mitigation credits is arbitrary and  
18 capricious.
- 19 h. Whether the Second Mitigation Plan is consistent with the conservation of water  
20 resources, the public interest or seeks to prevent injuries to other water users, the  
21 environmental resources of the state, and wildlife, given that the Tucker Springs  
22 water source is over allocated and other environmental impacts.
- 23 i. Whether the Director erred or exceeded his authority by failing to consider the  
24 environmental impacts that will result from the implementation of the Second  
25 Mitigation Plan.

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- j. Whether the Director erred in concluding that the Second Mitigation Plan will provide the water required by the *Curtailment Order*.
- k. Whether the Director erred or exceeded his authority by requiring Rangen to accept the Tucker Springs Plan or forfeit its delivery call rights
- l. Whether the Director erred or exceeded his authority by requiring Rangen to allow access and/or grant easements over its real property for construction related to the Second Mitigation Plan or forfeit its delivery call rights.
- m. Whether the Director's *Order* requiring Rangen to allow access and/or grant easements over its real property for construction related to the Second Mitigation Plan or forfeit its delivery call rights constitutes a taking in violation of Rangen's constitutional rights.
- n. Whether the Director had authority to require Rangen, a fish propagator, to accept water which will introduce diseases including at least one disease that is not present at the Rangen Research Hatchery.
- o. Whether the Director erred or exceeded his authority to order a mitigation plan that physically moves non-consumptive water from one drainage area to another drainage area and therefore changes the non-consumptive water right to a consumptive water right.
- p. Whether the Director erred or exceeded his authority by calculating mitigation water credits which exceed the actual, measured water flow from the specified source.
- q. Whether the Director erred or exceeded his authority by calculating mitigation credits that on a daily basis fall short of the daily required direct flow mitigation requirements.

1 r. Whether the *Order* and/or the Director's application of the Conjunctive  
2 Management Rules deprives Rangen of its Constitutionally-protected property  
3 rights and its right to have its water right administered and protected under the  
4 prior appropriation doctrine.

5 s. Whether the application of the CM Rules to Rangen's delivery call, including the  
6 subsequent mitigation plans submitted by IGWA, is contrary to law,  
7 unconstitutional, and impairs or threaten to interfere with Rangen's legal rights  
8 and privileges.

9 14. Petitioner reserves the right to file a separate statement of the issues within  
10 fourteen (14) days after the filing of this Petition.

11 15. Other parties to this case included, the Idaho Ground Water Appropriators, Inc.  
12 ("IGWA"), Buckeye Farms, Inc., Big Bend Trout, Inc. (did not appear at the hearing of this  
13 matter), Big Bend Irrigation & Mining Co., and Salmon Falls Land & Livestock.

14 16. Service of this Petition has been made on the Department, and notice of this filing  
15 has been made on parties to the contested case in CM-DC-2011-004 and CM-MP-2014-001 as  
16 well as William A. Parsons, counsel for Southwest Irrigation District, who has requested  
17 informational copies of all filings.  
18

19 **DEMAND FOR ATTORNEY FEES AND COSTS**

20 As a result of the Department's actions, Petitioner has had to retain counsel. For services  
21 rendered, the Petitioner is entitled to attorney fees and costs should they prevail in this action  
22 pursuant to Idaho Code Section 12-117 and pursuant to Rule 54 of the Idaho Rules of Civil  
23 Procedure.  
24  
25

**RIGHT TO AMEND**

1  
2 The Petitioner reserve the right to amend this Petition in any respect as motion practice  
3 and discovery proceed in this matter.

4 WHEREFORE, the Petitioner prays for the following relief:

- 5 A. A finding that the *Order* is:
- 6 a. is in violation of constitutional, statutory provisions or current administrative  
7 rules of the Department;
- 8 b. is in excess of the statutory authority or administrative rules of the  
9 Department;
- 10 c. was made upon unlawful procedures; and
- 11 d. was arbitrary, capricious, and/or an abuse of the agency discretion.
- 12
- 13 B. That the Court set aside the *Order*, in whole or part, and/or remand the *Order*  
14 back for further proceedings;
- 15 C. For an award of reasonable costs and attorneys' fees pursuant to applicable law,  
16 including but not limited to Idaho Code Section 12-117, and Idaho Rule of Civil  
17 Procedure 54; and
- 18 D. For such other and further relief as the Court deems just and equitable.

19 RESPECTFULLY SUBMITTED this 17 day of July, 2014.

20 HAEMMERLE & HAEMMERLE, P.L.L.C.

21  
22 By:   
23 Fritz X. Haemmerle  
24  
25

**CERTIFICATE OF SERVICE**

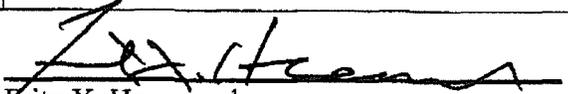
The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 17 day of July, 2014 he caused a true and correct copy of the foregoing document to be served upon the following as indicated:

<p><b>Original:</b>                  Director Gary Spackman                  Idaho Department of Water                  Resources                  P.O. Box 83720                  Boise, ID 83720-0098                  deborah.gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input checked="" type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Garrick Baxter                  Idaho Department of Water                  Resources                  P.O. Box 83720                  Boise, Idaho 83720-0098                  garrick.baxter@idwr.idaho.gov                  chris.bromley@idwr.idaho.gov                  kimi.white@idwr.idaho.gov</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Randall C. Budge                  TJ Budge                  RACINE, OLSON, NYE, BUDGE                  &amp; BAILEY, CHARTERED                  201 E. Center Street                  P.O. Box 1391                  Pocatello, ID 83204                  rcb@racinelaw.net                  tjb@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input checked="" type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Sarah Klahn                  Mitra Pemberton                  WHITE &amp; JANKOWSKI                  Kittredge Building,                  511 16th Street, Suite 500                  Denver, CO 80202                  sarahk@white-jankowski.com                  mitrap@white-jankowski.com</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>
<p>Dean Tranmer                  City of Pocatello                  P.O. Box 4169                  Pocatello, ID 83201                  dtranmer@pocatello.us</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/>                  Federal Express <input type="checkbox"/>                  E-Mail <input checked="" type="checkbox"/></p>

1	John K. Simpson	Hand Delivery	<input type="checkbox"/>
2	Travis L. Thompson	U.S. Mail	<input checked="" type="checkbox"/>
3	Paul L. Arrington	Facsimile	<input type="checkbox"/>
4	Barker Rosholt & Simpson, L.L.P.	Federal Express	<input type="checkbox"/>
5	195 River Vista Place, Suite 204	E-Mail	<input checked="" type="checkbox"/>
6	Twin Falls, ID 83301-3029		
	Facsimile: (208) 735-2444		
	tlt@idahowaters.com		
	jks@idahowaters.com		
7	W. Kent Fletcher	Hand Delivery	<input type="checkbox"/>
8	Fletcher Law Office	U.S. Mail	<input type="checkbox"/>
9	P.O. Box 248	Facsimile	<input type="checkbox"/>
	Burley, ID 83318	Federal Express	<input type="checkbox"/>
	wkf@pmt.org	E-Mail	<input checked="" type="checkbox"/>
10	Jerry R. Rigby	Hand Delivery	<input type="checkbox"/>
11	Hyrum Erickson	U.S. Mail	<input checked="" type="checkbox"/>
12	Robert H. Wood	Facsimile	<input type="checkbox"/>
13	Rigby, Andrus & Rigby, Chartered	Federal Express	<input type="checkbox"/>
14	25 North Second East	E-Mail	<input checked="" type="checkbox"/>
15	Rexburg, ID 83440		
	jrigby@rex-law.com		
	herickson@rex-law.com		
	rwood@rex-law.com		
16	Leo E. Ray	Hand Delivery	<input type="checkbox"/>
17	Big Bend Trout, Inc.	U.S. Mail	<input checked="" type="checkbox"/>
18	P.O. Box 479	Facsimile	<input type="checkbox"/>
	Hagerman, Idaho 83330	Federal Express	<input type="checkbox"/>
	fpi@fishbreedersofidaho.com	E-Mail	<input checked="" type="checkbox"/>
19	Almer Huntley, Jr., President	Hand Delivery	<input type="checkbox"/>
20	Big Bend Irrigation & Mining Co.,	U.S. Mail	<input checked="" type="checkbox"/>
21	Ltd.	Facsimile	<input type="checkbox"/>
	2721 South 900 East	Federal Express	<input type="checkbox"/>
	Hagerman, Idaho 83332	E-Mail	<input checked="" type="checkbox"/>
	plspe@hotmail.com		
22	Timothy J. Stover	Hand Delivery	<input type="checkbox"/>
23	WORST FITZGERALD &	U.S. Mail	<input checked="" type="checkbox"/>
24	STOVER PLLC	Facsimile	<input type="checkbox"/>
	P.O. Box 1428	Federal Express	<input type="checkbox"/>
	Twin Falls, Idaho 83303	E-Mail	<input checked="" type="checkbox"/>
	tjs@magicvalleylaw.com		
25	Michael J. Henslee	Hand Delivery	<input type="checkbox"/>

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Salmon Falls Land & Livestock Co. 95-A Bell Rapids Road Hagerman, ID 83332 mjhenslee@gmail.com	U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
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Fritz X. Haemmerle

# Exhibit 6

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE FOURTH MITIGATION  
PLAN FILED BY THE IDAHO GROUND WATER  
APPROPRIATORS FOR THE DISTRIBUTION OF  
WATER TO WATER RIGHT NOS. 36-02551 & 36-  
07694 IN THE NAME OF RANGEN, INC.

Docket No. CM-MP-2014-006

**ORDER APPROVING IGWA'S  
FOURTH MITIGATION PLAN**

**PROCEDURAL BACKGROUND**

On January 29, 2014, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued the *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order").<sup>1</sup> The Curtailment Order recognizes that holders of junior-priority ground water rights may avoid curtailment if they participate in a mitigation plan which provides "simulated steady state benefits of 9.1 cfs to Curren Tunnel [sometimes referred to as the "Martin-Curren Tunnel"] or direct flow of 9.1 cfs to Rangen." *Curtailment Order* at 42. The Curtailment Order explains that mitigation provided by direct flow to Rangen, Inc. ("Rangen"), "may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year." *Id.*

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. ("IGWA"), filed with the Department *IGWA's Mitigation Plan and Request for Hearing* ("First Mitigation Plan") to avoid curtailment imposed by the Curtailment Order. The First Mitigation Plan proposed nine possible mitigation activities for junior-priority ground water pumpers to satisfy mitigation obligations.

On February 12, 2014, IGWA filed *IGWA's Petition to Stay Curtailment, and Request for Expedited Decision*. On February 21, 2014, the Director issued an *Order Granting IGWA's Petition to Stay Curtailment*, which stayed enforcement of the Curtailment Order for members of IGWA and the non-member participants in IGWA's First Mitigation Plan until a decision was issued on the First Mitigation Plan.

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<sup>1</sup> The Curtailment Order is currently on appeal in *Rangen, Inc. v. IDWR*, Twin Falls County Case No. CV-2014-1338. Judge Wildman issued his *Memorandum Decision and Order on Petitions for Judicial Review* ("Memorandum Decision") on October 24, 2014, which affirmed the Director on a number of issues, but held the Director erred by applying a trim line to reduce the zone of curtailment. *Memorandum Decision* at 28. The Memorandum Decision is not yet final, but given that time is of the essence in this matter, this order should not be delayed. Depending on the outcome of the appeal in Case No. CV-2014-1138, aspects of this order may need to be revisited and the mitigation obligation may increase.

On March 17-19, 2014, the Director conducted a hearing for the First Mitigation Plan at the Department's state office in Boise, Idaho. On April 11, 2014, the Director issued an *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("First Mitigation Plan Order"). In the First Mitigation Plan Order, the Director approved two of the nine proposed components of the First Mitigation Plan: (1) credit for current and ongoing mitigation activities (collectively referred to as "aquifer enhancement activities"), and (2) delivery of water directly to Rangen that otherwise would have been delivered in priority to Howard "Butch" Morris ("Morris") but for North Snake Ground Water District ("NSGWD") delivering surface water to Morris through the Sandy Pipeline ("Morris exchange agreement"). The Director rejected the other seven components of the First Mitigation Plan. The Director recognized 1.2 cfs of mitigation credit for IGWA's aquifer enhancement activities and 1.8 cfs of mitigation credit for delivery of water to Rangen as a result of the Morris exchange agreement. The Director recognized a total mitigation credit of 3.0 cfs, 0.4 cfs short of the 3.4 cfs mitigation required for the time period from April 1, 2014, through March 31, 2015. To satisfy the 0.4 cfs mitigation deficiency, the Director ordered curtailment of ground water rights bearing priority dates junior or equal to July 1, 1983, during the 2014 irrigation season. *First Mitigation Plan Order* at 21.<sup>2</sup>

On March 10, 2014, during the pendency of the First Mitigation Plan proceeding, IGWA filed with the Department *IGWA's Second Mitigation Plan and Request for Hearing* ("Second Mitigation Plan") in response to the Curtailment Order. The Second Mitigation Plan proposed delivery of up to 9.1 cfs of water from Tucker Springs, a tributary to Riley Creek, through a 1.3 mile pipeline to the fish research and propagation facility owned by Rangen ("Rangen Facility"). *Second Mitigation Plan* at 2.

On April 17, 2014, IGWA filed *IGWA's Second Petition to Stay Curtailment, and Request for Expedited Decision* ("Second Petition"). The Second Petition asked the Director to "stay implementation of the [Curtailment Order], . . . until the judiciary completes its review of the Curtailment Order in *IGWA v. IDWR*, Gooding County Case No. CV-2014-179, and *Rangen v. IDWR*, Twin Falls County Case No. CV-2014-1338." *Second Petition* at 1. On April 28, 2014, the Director issued an *Order Granting IGWA's Second Petition to Stay Curtailment* stating the Director would revisit the stay at the time a decision on IGWA's Second Mitigation Plan was issued.

On June 4-5, 2014, the Director conducted a hearing for the Second Mitigation Plan at the Department's state office in Boise, Idaho. On June 20, 2014, the Director issued an *Order Approving IGWA's Second Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order* ("Second Mitigation Plan Order"). To dovetail the First Mitigation Plan into the Second Mitigation Plan, the Director recalculated the period of time over which the

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<sup>2</sup> On April 25, 2014, Rangen filed *Rangen's Motion for Reconsideration of Order Re: IGWA's Mitigation Plan; Order Lifting Stay; Amended Curtailment Order* ("Motion for Reconsideration") challenging the Director's method of determining mitigation credit for the Morris exchange water. *Motion for Reconsideration* at 1-6. On May 16, 2014, the Director issued both the Order on Reconsideration denying Rangen's Motion for Reconsideration and the Amended Mitigation Plan Order. The Director's method of calculating mitigation credit was not altered. *Amended Mitigation Plan Order* at 21.

volume of water provided by the Morris exchange agreement was averaged to equal the number of days the water would provide full mitigation to Rangen. *Second Mitigation Plan Order* at 6-7. The Director required curtailment or additional mitigation from IGWA under the Second Mitigation Plan after the time full mitigation credit under the First Mitigation Plan expires. *Id.* Specifically, the Director calculated that 2.2 cfs of mitigation water must be delivered to Rangen by the Morris exchange agreement to provide full mitigation during the first year of phased-in mitigation. The Director calculated the 2.2 cfs mitigation obligation by subtracting the 1.2 cfs mitigation credit from aquifer enhancement activities from the 3.4 cfs first year phase-in mitigation obligation. In the Second Mitigation Plan Order, the Director recognized mitigation credit for the Morris exchange agreement at an average rate of 2.2 cfs for the 293-day period between April 1, 2014 and January 18, 2015. As of January 19, 2015, IGWA must begin providing water to Rangen at a rate of 2.2 cfs by other means to meet the 3.4 cfs annual obligation for April 1, 2014 through March 31, 2015. *Id.* at 18. Accordingly, the Director ordered that the April 28, 2014, stay was lifted and failure to deliver 2.2 cfs to Rangen from Tucker Springs by January 19, 2015, will result in curtailment of water rights junior or equal to August 12, 1973, unless another mitigation plan has been approved and is providing the required water to Rangen. *Id.*

On August 27, 2014, IGWA filed *IGWA's Fourth Mitigation Plan and Request for Expedited Hearing* ("Fourth Mitigation Plan").<sup>3</sup> The Fourth Mitigation Plan consists of the "Magic Springs Project." *Fourth Mitigation Plan* at 2. Rangen and Kathy McKenzie separately filed protests to the Fourth Mitigation Plan on September 19, 2014.

The Magic Springs Project is comprised of multiple components including: lease or purchase of 10.0 cfs of water right nos. 36-7072 and 36-8356 owned by SeaPac of Idaho ("SeaPac"); long-term lease or purchase from the Idaho Water Resource Board ("IWRB") of water right nos. 36-4011<sup>4</sup>, 36-2734, 36-15476, 36-2414, and 36-2338 to make available to SeaPac; design, construction, operation, and maintenance of the water intake and collection facilities, pump station, and pipeline to transport water from SeaPac's Magic Springs facility to the head of Billingsley Creek directly up gradient from the Rangen Facility; acquisition of permanent easements at Magic Springs for the water intake and collection facilities, pump

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<sup>3</sup> On June 10, 2014, IGWA filed *IGWA's Amended Third Mitigation Plan and Request for Hearing* ("Third Mitigation Plan"). The five components of the Third Mitigation Plan were identified as: 1) Sandy Ponds recharge and Sandy Pipe delivery; 2) improvements to the Curren Tunnel diversion; 3) direct delivery of water right no. 36-16976; 4) recirculation of Rangen water rights; and 5) the Aqua Life project. On August 19, 2014, the Director issued an *Order Denying Rangen's Motion to Dismiss Proposals One, Two, Three, and Four of IGWA's Amended Third Mitigation Plan*. After entry of that order, the only proposals remaining for consideration at the hearing regarding IGWA's Third Mitigation Plan are IGWA's request for mitigation credit for Sandy Ponds recharge, recirculation of Rangen water rights, and the Aqua Life project. On September 25, 2014, IGWA filed *IGWA's Motion to Vacate Hearing* requesting that the hearing scheduled for the Third Mitigation Plan be vacated. On October 7, 2014, IGWA filed *IGWA's Request for Hearing on Sandy Ponds/Sandy Pipe Component of Plan* requesting a hearing on only the Sandy Ponds/Sandy Pipe component of the Third Mitigation Plan, thereby bifurcating it from any hearing that may be held on the remaining components. On October 9, 2014, the Director issued an *Order Granting IGWA's Motion to Vacate Hearing and Notice of Third Status Conference*. A hearing date of February 18 & 19, 2015, for the Sandy Ponds/Sandy Pipe component of the Third Mitigation Plan was determined at a status conference on October 21, 2014.

<sup>4</sup> This water right was mistakenly identified as 36-1044 in the Fourth Mitigation Plan.

station, pipeline, and other necessary features for delivery of water to the head of Billingsley Creek; and approval of a transfer application to change the place of use from SeaPac to Rangen. The Director held a hearing for the Fourth Mitigation Plan on October 8, 2014, at the Department's State office in Boise, Idaho.

#### APPLICABLE LAW

Conjunctive Management Rule 43.03 ("Rule 43.03") establishes the following factors that "may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights":

- a. Whether delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law.
- b. Whether the mitigation plan will provide replacement water, at the time and place required by the senior-priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground water source. Consideration will be given to the history and seasonal availability of water for diversion so as not to require replacement water at times when the surface right historically has not received a full supply, such as during annual low-flow periods and extended drought periods.
- c. Whether the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage even if the effect of pumping is spread over many years and will continue for years after pumping is curtailed. A mitigation plan may allow for multi-season accounting of ground water withdrawals and provide for replacement water to take advantage of variability in seasonal water supply. The mitigation plan must include contingency provisions to assure protection of the senior-priority right in the event the mitigation water source becomes unavailable.
- d. Whether the mitigation plan proposes artificial recharge of an area of common ground water supply as a means of protecting ground water pumping levels, compensating senior-priority water rights, or providing aquifer storage for exchange or other purposes related to the mitigation plan.
- e. Where a mitigation plan is based upon computer simulations and calculations, whether such plan uses generally accepted and appropriate engineering and hydrogeologic formulae for calculating the depletive effect of the ground water withdrawal.
- f. Whether the mitigation plan uses generally accepted and appropriate values for aquifer characteristics such as transmissivity, specific yield, and other relevant factors.

- g. Whether the mitigation plan reasonably calculates the consumptive use component of ground water diversion and use.
- h. The reliability of the source of replacement water over the term in which it is proposed to be used under the mitigation plan.
- i. Whether the mitigation plan proposes enlargement of the rate of diversion, seasonal quantity or time of diversion under any water right being proposed for use in the mitigation plan.
- j. Whether the mitigation plan is consistent with the conservation of water resources, the public interest or injures other water rights, or would result in the diversion and use of ground water at a rate beyond the reasonably anticipated average rate of future natural recharge.
- k. Whether the mitigation plan provides for monitoring and adjustment as necessary to protect senior-priority water rights from material injury.
- l. Whether the plan provides for mitigation of the effects of pumping of existing wells and the effects of pumping of any new wells which may be proposed to take water from the areas of common ground water supply.
- m. Whether the mitigation plan provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan.
- n. A mitigation plan may propose division of the area of common ground water supply into zones or segments for the purpose of consideration of local impacts, timing of depletions, and replacement supplies.
- o. Whether the petitioners and respondents have entered into an agreement on an acceptable mitigation plan even though such plan may not otherwise be fully in compliance with these provisions.

IDAPA 37.03.11.043.03(a-o). A proposed mitigation plan must contain information that allows the Director to evaluate these factors. IDAPA 37.03.11.043.01(d).

While Rule 43.03 lists factors that “may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights,” factors 43.03(a) through 43.03(c) are necessary components of mitigation plans that call for the direct delivery of mitigation water. A junior water right holder seeking to directly deliver mitigation water bears the burden of proving that (a) the “delivery, storage and use of water pursuant to the mitigation plan is in compliance with Idaho law,” (b) “the mitigation plan will provide replacement water, at the time and place required by the senior priority water right, sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source at such time and place as necessary to satisfy the rights of diversion from the surface or ground

water source,” and (c) “the mitigation plan provides replacement water supplies or other appropriate compensation to the senior-priority water right when needed during a time of shortage.” IDAPA 37.03.11.043.03(a-c). These three inquiries are threshold factors against which IGWA’s Magic Springs Project must be measured.

To satisfy its burden of proof, IGWA must present sufficient factual evidence at the hearing to prove that (1) the proposal is legal, and will generally provide the quantity of water required by the curtailment order; (2) the components of the proposed mitigation plan can be implemented to timely provide mitigation water as required by the curtailment order; and (3)(a) the proposal has been geographically located and engineered, and (b) necessary agreements or option contracts are executed, or legal proceedings to acquire land or easements have been initiated.

## FINDINGS OF FACT

### Rangen’s Existing System

1. The Rangen Facility is located in the Thousands Springs area near Hagerman, Idaho. The Rangen Facility is situated below a canyon rim at the headwaters of Billingsley Creek.
2. Immediately east of the Rangen Facility, water emanates from numerous springs on the talus slopes just below the canyon rim. Water also emanates from the Curren Tunnel. The tunnel is a large, excavated conduit constructed high on the canyon rim and extends approximately 300 feet into the canyon wall.
3. A concrete collection box located near the mouth of the Curren Tunnel collects water for delivery to Rangen and holders of early priority irrigation water rights via pipelines. The concrete box is commonly referred to as the “Farmers’ Box.”
4. Further down the talus slope is a second concrete water collection box with an open top, commonly referred to as the “Rangen Box.” Rangen rediverts the water from the Farmers’ box through two plastic pipes down to the Rangen Box. Water is then delivered from the Rangen Box via a steel pipe to the small raceways. The water diverted by Rangen can then be routed from the small raceways down through the large and CTR raceways at the Rangen Facility. Water can also be spilled out the side of the Rangen Box and returned to the talus slope.
5. In the early 1980’s, Rangen built a six-inch white PVC pipeline to divert water from inside the Curren Tunnel and deliver the water to the hatch house and greenhouse buildings. The water is used in the hatch house and/or greenhouse and then can be discharged either back into Billingsley Creek or discharged directly into the small raceways and used in the large and CTR raceways.

## Magic Springs Project

6. IGWA's Fourth Mitigation Plan proposes direct delivery of up to 10 cfs of "first use" water from SeaPac's Magic Springs facility to the Rangen Facility. *Fourth Mitigation Plan* at 2; Ex. 1009 at 4.

7. SeaPac owns two water rights for fish propagation at its Magic Springs facility: 36-7072 which authorizes the diversion of 148.2 cfs for fish propagation from Thousand Springs with a priority date of September 5, 1969, and 36-8356 which authorizes the diversion of 45 cfs for fish propagation from springs with a priority date of May 9, 1988. Ex. 2013, attachments 4 & 5. The two water rights combined may not exceed a total diversion rate of 148.2 cfs. *Id.*

8. A letter of intent executed by IGWA and SeaPac states that SeaPac will agree to lease or sell to IGWA up to 10 cfs of "first use" water from its Magic Springs water rights (36-7072 and 36-8356) for mitigation purposes ("IGWA/SeaPac agreement"). Ex. 1003 at 2.

9. SeaPac currently has a short-term lease of the Aqua Life Aquaculture Facility Hatchery ("Aqua Life") from the IWRB, which owns and operates Aqua Life and water right numbers 36-4011, 36-2734, 36-15476, 36-2414, and 36-2338. SeaPac desires to continue its Aqua Life operations by securing ownership and/or a long-term lease of Aqua Life. Ex. 1003 at 1-3.

10. The IGWA/SeaPac agreement is contingent upon 1) IGWA securing an approval of its Fourth Mitigation Plan from the Department, 2) IGWA securing an order approving the transfer of the point of diversion and place of use (as necessary) from SeaPac to Rangen, 3) IGWA constructing the pump and pipeline facilities and delivering Magic Springs water pursuant to an approved mitigation plan, and 4) IGWA owning or controlling Aqua Life water right numbers 36-4011, 36-2734, 36-15476, 36-2414, and 36-2338 by long-term lease or purchase from the IWRB and making them available to SeaPac. Ex. 1003 at 2-3.

11. The Magic Springs Project will be designed to deliver a maximum flow of 10 cfs of spring water associated with water right 36-7072 to Rangen. IGWA will divert Magic Springs water from a point of diversion authorized by water right number 36-7072. Ex. 1009 at 4.

12. IGWA, on behalf of NSGWD, Magic Valley Ground Water District, and Southwest Irrigation District, submitted an Application for Transfer of Water Right to the Department on September 10, 2014, to add the Rangen Facility as a new place of use for up to 10 cfs from water right number 36-7072. Ex. 1009 at 64-70.

13. On July 18, 2014, prior to filing of the Fourth Mitigation Plan, the IWRB executed a letter of intent with IGWA to make available to IGWA by long-term lease or purchase up to 10 cfs of its Aqua Life water rights as needed to satisfy the mitigation obligation to Rangen ("IGWA/IWRB agreement"). Ex. 1002 at 2.

14. IGWA and the IWRB are negotiating to finalize the details of a thirty-year lease of the Aqua Life water rights and facility. IGWA intends to assign the lease to SeaPac and gain access to the Magic Springs water. Tr. p. 38-40; 87-89.

### **Engineering Design**

15. Engineers for IGWA have completed sixty percent of the engineering design necessary to construct the full Magic Springs Project (“engineering design”). Ex. 1009. The engineering design calls for the construction of a permanent pump station and pipeline system “to reliably deliver 9.1 cfs from Magic Springs to the Rangen [F]acility.” *Id.* at 10.

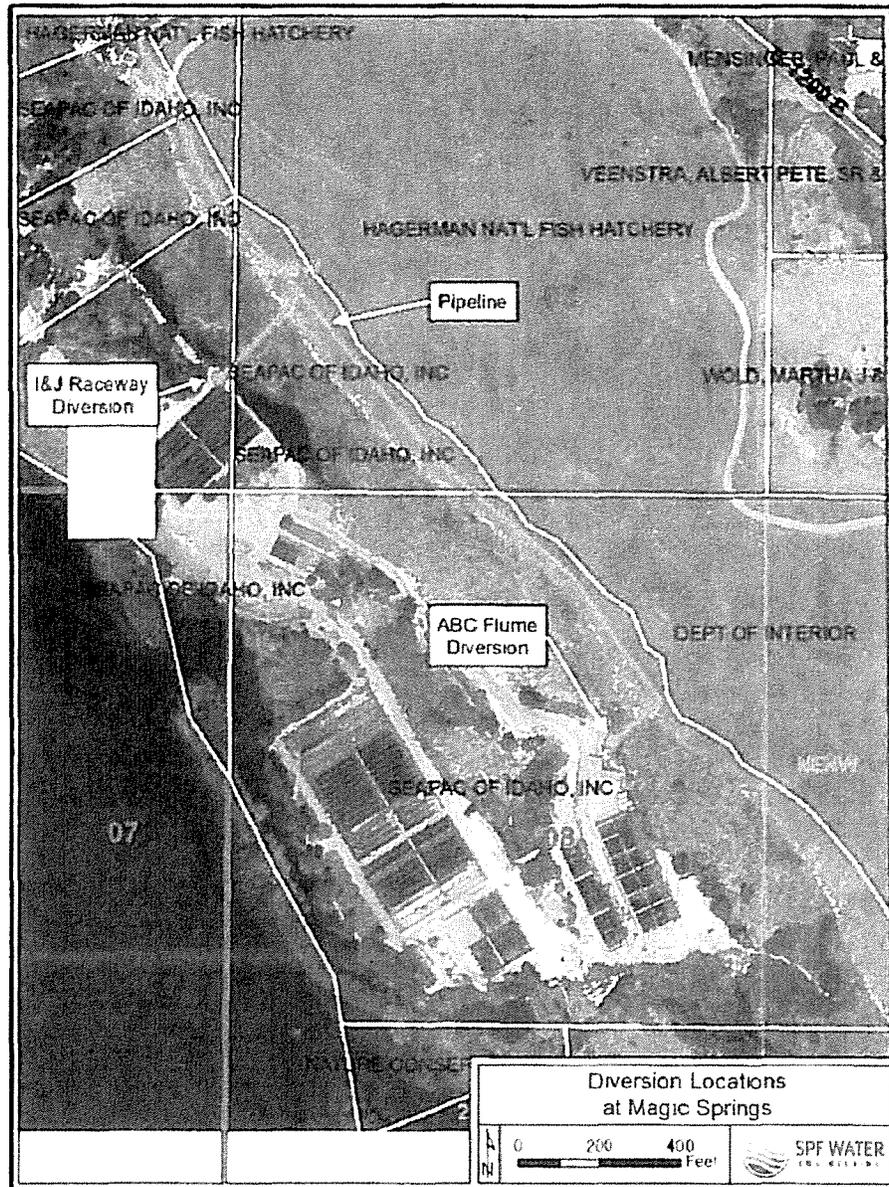
16. The engineering design also calls for the construction of a temporary pump and pipeline system to deliver water to Rangen by January 19, 2015, when the Morris exchange agreement will no longer provide full mitigation to Rangen as set forth in the Second Mitigation Plan Order.<sup>5</sup> Ex. 1009 at 7-9. The design plans call for the delivery of 0.5 cfs to Rangen by January 19, 2015, but Bob Hardgrove (“Hardgrove”), the design engineer for IGWA, testified that the temporary system design could be modified to provide up to 2.2 cfs of water. Tr. p. 152-53.

### Permanent Pump Station and Pipeline System

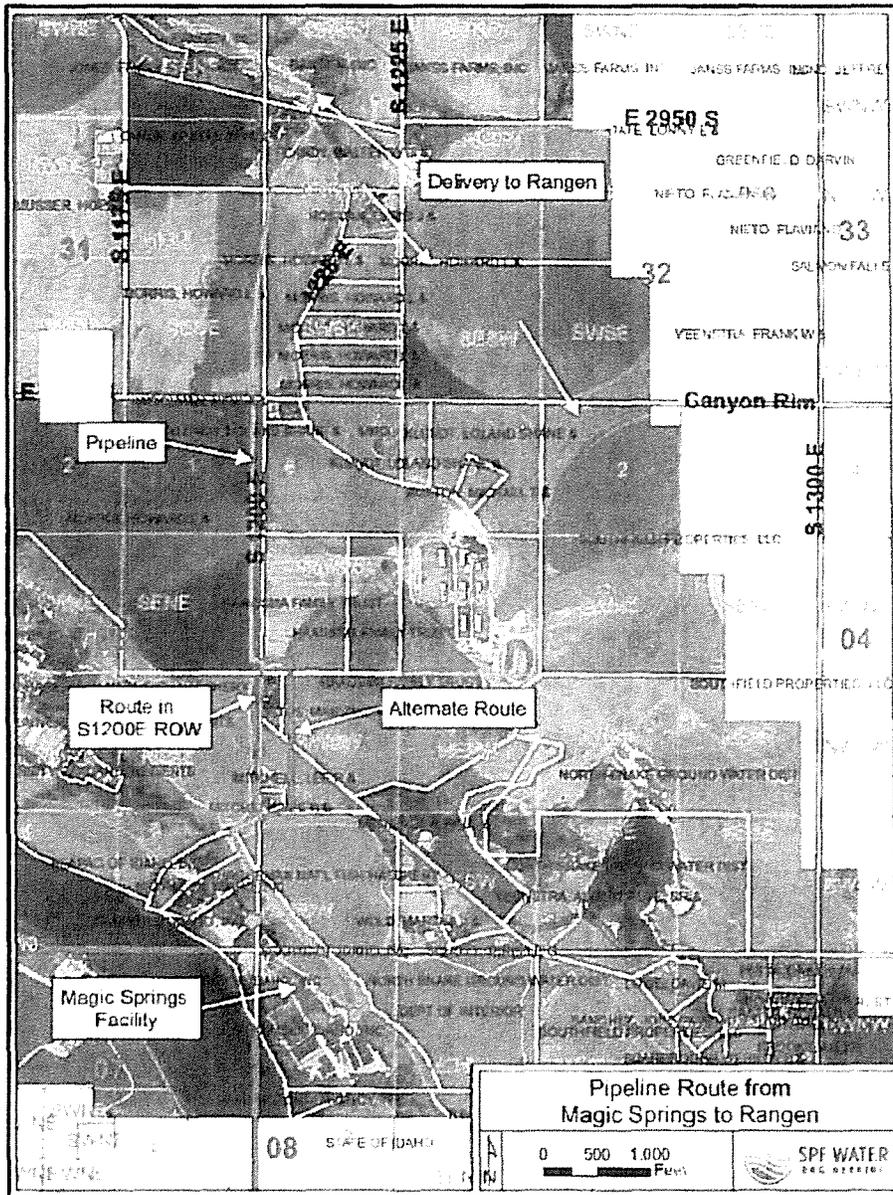
17. The following figure taken from Exhibit 1009 at 13 displays two potential diversion points that have been identified below the rim at the Magic Springs facility: the I&J Raceway Diversion (“I&J Diversion”) and the ABC Flume Diversion (“ABC Diversion”).

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<sup>5</sup> On October 1, 2014, Rangen filed a motion in limine seeking to exclude presentation of evidence regarding the temporary pump and pipeline system at the October 8, 2014, hearing on the Fourth Mitigation Plan. The Director verbally denied the motion at the commencement of that hearing.



18. The pipeline alignments for the I&J Diversion and the ABC Diversion eventually intersect on top of the rim within SeaPac property, and from that point to the Rangen Facility, the alignment for both points of diversion is the same. Ex. 1009 at 10. The following figure taken from Exhibit 1009 at 11 depicts the proposed pipeline alignments:



- ABC Diversion, Pipeline, and Pump Station

19. The ABC Diversion, an authorized point of diversion under SeaPac’s water right 36-7072, will connect to an existing concrete flume that carries ABC spring water to raceways at the Magic Springs facility. Ex. 1009 at 12. A 24-inch diameter and approximately 120 foot long gravity pipeline constructed of welded steel pipe will carry water from the flume to the pump station. *Id.* at 14. This pipeline will be installed above-ground and will connect to the flume via a new concrete collection box. *Id.* A head gate will be installed on the upstream end of the pipeline to isolate the feed to the pump station for maintenance. *Id.*

20. The proposed pipeline from the ABC Diversion to Rangen is approximately 1.9 miles long. Ex. 1009 at 16. In addition to the 120 feet of welded steel pipe for the gravity line from the ABC flume to the pump station, approximately 360 feet of exposed, above-ground welded 24-inch diameter steel pipe will convey water from the pump station to the top of the rim. *Id.* at 16, 27. Once to the top of the rim, the pipeline will change to 24-inch diameter high-density polyethylene pipe (“HDPE pipe”). *Id.* The HDPE pipe will be buried for approximately 9,440 feet. The HDPE pipe will be connected using a butt-fusion welding machine and interior welds will be de-beaded resulting in a fully restrained and leak-free pipeline. *Id.*

21. A minimum of three feet of cover is required for the pipeline installation. Ex. 1009 at 16. Combination air valves will be installed at the high points and pipeline drains will be installed at the low points. *Id.*

22. The engineering design calls for a skid-mounted packaged pump station including pumps, mechanical piping, valves, flow meter, variable frequency drives (“VFDs”), and associated controls, generators, and enclosure. Ex. 1009 at 14.

23. The pump station will include three short-set line-shaft turbine pumps. Ex. 1009 at 14. Two of the pumps will be duty pumps and one will be on standby to ensure that two pumps can operate at all times. Ex. 1009 at 14. The pumps will be placed in individual 24-inch diameter pump cans that will be approximately seven feet below existing ground surface. *Id.* The 24-inch diameter gravity line from the ABC flume will deliver water to the pump cans. *Id.*

24. The pump station will be enclosed for protection from weather and to reduce sound. Ex. 1009 at 12. The insulated enclosure will be heated and ventilated. *Id.* The pump station enclosure will be lockable and durable. *Id.*

25. To deliver 9.1 cfs to Rangen<sup>6</sup> from the ABC Diversion, the pump station must produce approximately 200 feet of total dynamic head (“TDH”). Ex. 1009 at 15. The pumps will require nominal 150-hp motors that will be controlled by VFDs to maintain any operator-adjustable flow rate up to 10 cfs. *Id.* System operation will be controlled by a programmable logic controller with remote monitoring and auto-restart capabilities. *Id.* The packaged pump station will include an isolation and check valve on each pump, a mainline butterfly valve, pressure relief, combination air valve, and a flow meter. *Id.*

26. Three-phase power is available at Magic Springs to power the ABC pump station. Ex. 1009 at 15; Tr. p. 158. Idaho Power can supply the pump station with the necessary electrical service without any upgrades. *Id.*

27. A generator is proposed to provide emergency power. Ex. 1009 at 15. The generator will automatically start within seconds of a power outage. Tr. p 158-59. While the pumps will need to be slowly ramped up, the full pumping capacity can be restored within two or three minutes. *Id.* The generator proposed by IGWA is the type used by municipal water systems, semiconductor facilities, and hospitals. *Id.* at 159.

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<sup>6</sup> The design plans for the project state that “IGWA has requested SPF design a 10-cfs pumping and pipeline system to reliably deliver 9.1 cfs from Magic Springs to the Rangen [F]acility.” Ex. 1009 at 10.

28. The redundant pump, remote monitoring and alarming capabilities, auto-restart, proposed standby power generator and auto-transfer switch, and lockable and durable pump station enclosure make the pump station dependable, and will minimize downtime due to maintenance and power outages. Ex. 1009 at 15.

- I&J Diversion, Pipeline, and Pump Station

29. The I&J Diversion, if chosen as the point of diversion, will divert water from the manifold at the head of the I&J raceway, eliminating the need to construct new spring collection infrastructure. Ex. 1009 at 16. The I&J Diversion is directly adjacent to the spring water source pond and is upstream of any commercial use within the raceway. *Id.*

30. A 24-inch diameter ductile iron pipe buried for approximately forty-five feet, will convey water from the I&J raceway to the pump station. Ex. 1009 at 17. A head gate will be installed on the upstream end of the gravity line to isolate the feed to the pump station for maintenance. *Id.*

31. The total pipeline length from the I&J Diversion to Rangen is 1.6 miles. Ex. 1009 at 19. A 24-inch diameter exposed, above-ground steel pipe 365 feet long will convey Magic Springs water from the I&J Diversion to the top of the rim. Approximately 7,980 feet of buried 24-inch diameter HDPE pipe will convey water from the top of the rim to the Rangen Facility. Ex. 1009 at 19. The HDPE pipe will be connected using a butt-fusion welding machine and interior welds will be de-beaded resulting in a fully restrained and leak-free pipeline. *Id.*

32. A minimum of three feet of cover is required for the pipeline installation. Ex. 1009 at 19. Combination air valves will be installed at the high points and pipeline drains will be installed at the low points. *Id.*

33. The engineering design calls for a skid-mounted packaged pump station including pumps, mechanical piping, valves, flow meter, VFDs, and associated controls, generators, and enclosure. Ex. 1009 at 18.

34. The pump station will include three short-set line-shaft turbine pumps. Ex. 1009 at 18. Two of the pumps will be duty pumps and one will be on standby to ensure that two pumps can operate at all times. *Id.* The pumps will be placed in individual 24-inch diameter pump cans that will be approximately twelve feet below existing ground surface. *Id.* The 24-inch diameter gravity line from the I&J raceway will deliver water to the pump cans. *Id.*

35. To deliver 10 cfs to Rangen from the I&J Diversion, the pump station must produce approximately 220 feet of TDH. Ex. 1009 at 18. The pumps will require nominal 200-hp motors that will be controlled by VFDs to maintain any operator-adjustable flow rate up to 10 cfs. *Id.* System operation will be controlled by a programmable logic controller with remote monitoring and auto-restart capabilities. *Id.* The pump station for the I&J Diversion will be designed to be a reliable and secure facility including a redundant pump, remote monitoring and

alarming capabilities, auto-restart, and a proposed standby power generator and auto-transfer switch. *Id.*

36. Three-phase power is available at Magic Springs to power the I&J pump station. Ex. 1009 at 18-19. Idaho Power can supply the pump station with the necessary electrical service without any upgrades. *Id.*

#### Temporary Pump and Pipeline System

37. IGWA proposes a temporary pump and pipeline system to deliver water from Magic Springs to the Rangen Facility. The engineering design proposes delivery of 0.5 cfs to Rangen, but at the hearing, Hardgrove testified the system design could be changed to deliver up to 2.2 cfs through the temporary system. Ex. 1009 at 7; Tr. p. 152-53.

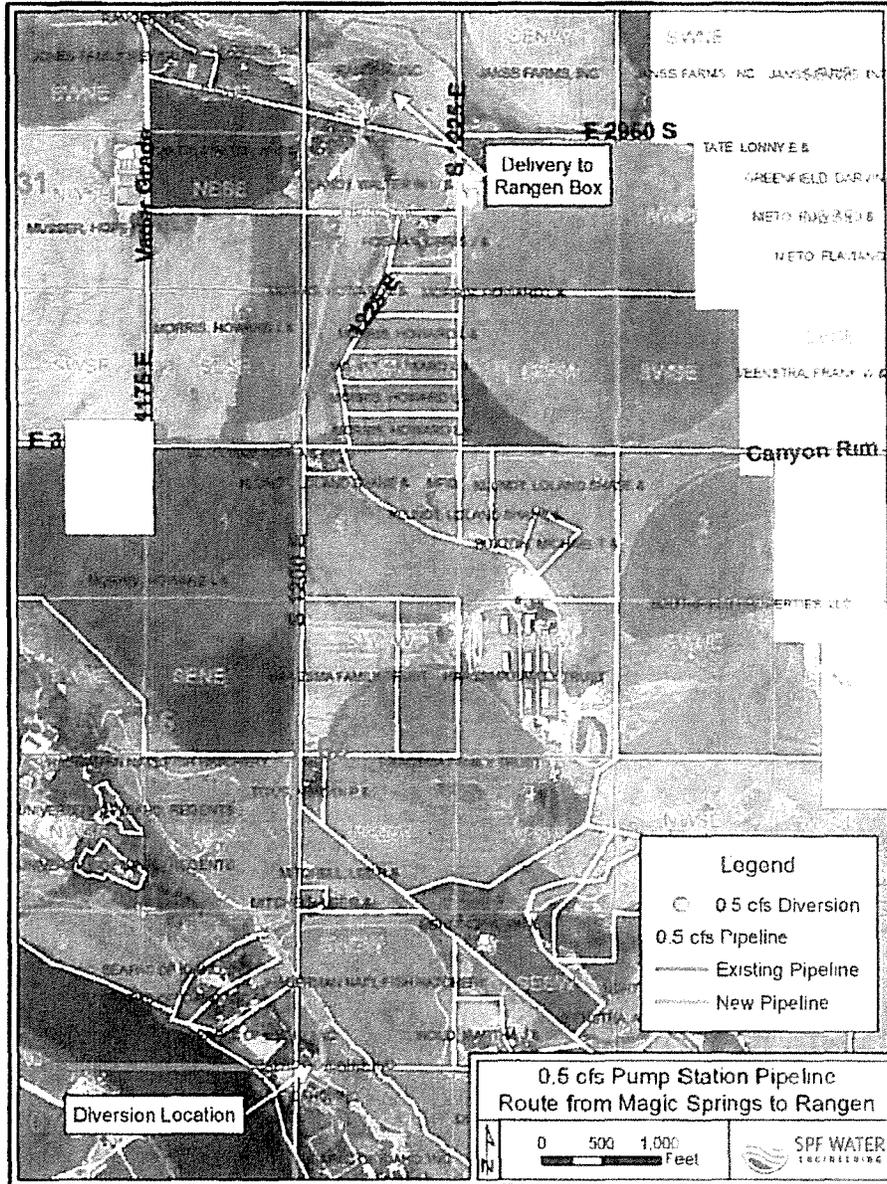
38. Delivery of 0.5 cfs to Rangen by January 19, 2015, will result in a remainder mitigation obligation of 1.7 cfs (3.4 cfs total mitigation obligation for the time period of April 1, 2014, through March 31, 2015, minus 1.2 cfs for aquifer enhancement activities, minus 0.5 cfs via IGWA's temporary pipeline).

39. The engineering design calls for a temporary end-suction pump that will be constructed to pump water directly from the upstream end of the I&J raceway at the Magic Springs facility. Ex. 1009 at 7. The pump will be designed with a manual priming pump and foot valve on the suction line. The design plans call for a pump to be sized for a TDH of 200 feet and a flow of 225 gpm (0.5 cfs) and will require a twenty-hp motor. *Id.* A larger pump can be used if IGWA decides to deliver 2.2 cfs to Rangen. Tr. p. 152-53.

40. IGWA alludes there will be some manual monitoring of the pump to ensure it is operating correctly: "Pump monitoring during the day will be completed by the general contractor selected for the pump installation." Ex. 1009 at 7. SeaPac staff that live on-site at the Magic Springs facility will be available during non-working hours for pump monitoring. *Id.* Hardgrove testified that backup pumps and power could be added to the temporary system to address concerns about backup power and reliability. Tr. p. 208-09.

41. The engineering design explains the proposed temporary pipeline alignment will parallel the permanent pipeline alignment. Ex. 1009 at 7. The design plans call for a six-inch diameter SDR 9 HDPE pipe to be placed on top of the ground from the pump to the top of the rim. *Id.* A 10 inch diameter pipe would be used if IGWA decides to increase the amount of water to 2.2 cfs. Tr. p. 152-53. The pipe will be hung, above-ground, from the rim and will be restrained across the talus slope with sand bags. Ex. 1009 at 7. Once on top of the rim, the pipe will be placed on top of the ground north to property owned by Lee and Mary Mitchell ("Mitchell"). *Id.* From the south end of the Mitchell property north to E 3000 S, water will be delivered through existing pipe owned by Morris. *Id.* New pipe will be buried under E 3000 S. *Id.* From the north side of the road to the Rangen property, pipe will be placed on top of the ground through dormant fields owned by Morris and Walter Candy. *Id.* The pipe will then follow the existing above grade piping up the talus slope and discharge into the existing Rangen

Box. *Id.* This described alignment is depicted in the following figure taken from Exhibit 1009 at 97:



42. Once full build-out of the permanent pump station and pipeline occurs and the permanent piping is successfully delivering water to Rangen, the temporary piping facilities will be removed. Ex. 1009 at 8.

The engineering design and Hardgrove explained that additional portions of buried piping network that belong to Morris and idle above ground six-inch aluminum irrigation pipe have the potential to be used, which would result in a reduction of the amount of new pipe required for the temporary pipeline project. Ex. 1009 at 8-9; tr. p. 201-04. However, further investigation would be needed to confirm reliability, location, and materials of those existing pipes. *Id.*

### Required Property Crossings for Permanent and Temporary Pipeline Alignments

43. Pursuant to the IGWA/SeaPac agreement, SeaPac will grant IGWA permanent easements at its Magic Springs facility to access design, construct, operate and maintain the water in-take and collection facilities, pump station, pipeline, and other facilities as necessary to divert and deliver water for mitigation purposes. Ex. 1003 at 2.

44. Once the proposed pipelines exit SeaPac property, the proposed alignments to the Rangen Facility cross properties owned by the following: Mitchell, North Side Canal Company, Hagerman Highway District, Howard “Butch” and Rhonda Morris (hereinafter collectively referred to as “Morris”), Walter and Margaret Candy (“Candy”), and Rangen.

45. IGWA and Mitchell entered into an option agreement on October 4, 2014, to allow IGWA an exclusive and irrevocable option and right to purchase an easement to construct, own, and operate a buried pipeline through Mitchell’s property to convey 10 cfs of water from Magic Springs to the head of Billingsley Creek for mitigation purposes. Ex. 1034 at 1, 7.

46. North Side Canal Company has given IGWA verbal assurances that IGWA may run pipeline through North Side Canal Company’s property. Tr. p. 103, 148.

47. The Hagerman Highway Commissioners held a meeting on September 26, 2014, and approved “the proposed main pipeline alignment within the S1200E right of way.” Ex. 1014.

48. IGWA executed option agreements with Morris and Candy to purchase easements for the construction/placement of a pipeline through those properties to deliver Tucker Springs water to the Rangen Facility as part of the Second Mitigation Plan. Ex. 1012 & 1013. Morris is willing to provide and utilize the same option agreement to allow an easement for purposes of the Magic Springs Project. Tr. p. 50. The pipeline alignment through the Candy property for the Magic Springs Project is the same alignment proposed for the Tucker Springs Project. Tr. p. 51.

### Tie-in to Rangen’s Delivery System

49. The pipeline from Magic Springs will connect to the existing pipeline between the hatch house and the small raceway at the Rangen Facility. Ex. 1009 at 19. Redundant butterfly valves will be installed immediately upstream of the tie-in point to maintain minimum upstream pressure in the pipeline under all static and operating conditions. *Id.* Throttling the butterfly valve will ensure a full pipeline upstream of the valve and that enough pumping head is developed to transport water over the mainline high-point without creating a vacuum condition. *Id.* Only one throttling valve will be utilized at a time and should the active valve need replaced, the other valve could be used to maintain delivery of water to Rangen. *Id.* Isolation valves will be installed on either side of each butterfly valve to allow for maintenance or replacement. *Id.* The butterfly valves will be housed in a buried vault on Rangen’s property. *Id.*

50. Directly downstream of the valve vault, the new pipeline will connect by a tee to the existing buried steel pipeline between the hatch house and small raceway at the Rangen

Facility. Ex. 1009 at 19. A butterfly valve will be installed on the small raceway leg of the tee to allow control of flow into the small raceway. *Id.* An existing valve located in a vault near the hatch house could be used to control flow from or to the Rangen Box. *Id.* There is also an existing valve and lateral that could deliver water from the buried pipeline to the hatch house. *Id.*

51. Hardgrove testified that the tie-in design could be modified to satisfy the needs of Rangen. Tr. p. 164.

### Project Schedule

52. Figure 5 on page 20 of Exhibit 1009 is IGWA's project schedule. The target date to deliver water to Rangen via the temporary pump and pipeline system is January 19, 2015. The target date to deliver up to 10 cfs to Rangen via the permanent pump and pipeline system is April 1, 2015. IGWA's project schedule does not take into account the time for processing IGWA's September 10, 2014, transfer application to add the Rangen Facility as a new place of use for up to 10 cfs from water right number 36-7072.

### Project Costs

53. The engineering design provides estimated design and construction costs for the ABC Diversion and I&J Diversion alignment options, but not the proposed temporary pipeline. For the I&J Diversion alignment, the estimated design and construction cost is \$2,217,000. *Id.* at 22. For the I&J Diversion, annual system operational costs were estimated to be \$176,392. *Id.* For the ABC Diversion alignment, the estimated design and construction cost is \$2,349,000. Ex. 1009 at 21. Annual system operational costs for the ABC Diversion alignment were estimated to be \$163,966. *Id.* at 24.

54. Rangen raised concerns at the October 8, 2014, hearing regarding how design, construction, and annual system operational costs would be paid for. Tr. p. 108-09. Lynn Carlquist ("Carlquist"), chairman of the board of NSGWD, explained assessments to NSGWD members have been increased for the upcoming budget year in order to help pay for mitigation costs. Tr. p. 108. He also testified that informal discussions revealed money could be borrowed from the IWRB in order to fund the Magic Springs Project. *Id.*; Tr. p. 124-25. Carlquist stated "But I'm not too worried about finding the funds for this, either privately or from the Water Resource Board." *Id.* at 109.

### Insurance

55. Carlquist testified that, as an additional protective measure, IGWA can acquire insurance to insure against aquaculture production losses due to pumping system failures. Tr. p. 53-54; Ex. 1016.

## Water Quality Issues

56. The engineering design presents water quality field analysis done at both Magic Springs and Rangen, which focused on temperature, pH, electrical conductivity, specific conductance, and dissolved oxygen. Ex. 1009 at 6.

### Temperature

57. The temperature of Magic Springs water is very similar to temperature readings at Rangen. Ex. 1009 at 6. The temperature of Magic Springs water is suitable for rearing trout. *Id.*

58. An AMEC temperature analysis revealed that, with use of the ABC diversion system, the maximum expected rise in temperature from the diversion to the Rangen Facility is 10.96 degrees Fahrenheit for uninsulated steel pipe and 0.08 degrees Fahrenheit for insulated steel pipe. Ex. 1009, Appendix C. With use of the I&J diversion system, the maximum expected rise in temperature is 8.8 degrees Fahrenheit for uninsulated steel pipe and 0.06 degrees Fahrenheit for insulated steel pipe. *Id.* IGWA will insulate the permanent pipeline regardless of the chosen point of diversion in order to keep the water temperature within an acceptable range for delivery to the Rangen Facility. Tr. p. 160; Tr. p. 248-49.

59. Rangen raised concerns at the hearing regarding the potential for water temperature to rise to an unacceptable range if transported through the temporary pipeline. Tr. 249. IGWA's expert Hardgrove testified: "This is the January/February/March time frame, so external temperatures will not have any heating effects on the water, more than likely, if people are concerned about an increase in temperature." Tr. p. 152.

### Water Chemistry

60. IGWA gathered and analyzed water quality field data regarding dissolved oxygen, conductivity, and pH of the water at Magic Springs and Rangen. Ex. 1009 at 6. In general, the Magic Spring water had a pH and dissolved oxygen concentration similar to that found at Rangen. *Id.* The electrical conductivity and specific conductance had slightly higher readings than the water at Rangen. *Id.*

61. In its answer to interrogatory number five, Rangen stated that dissolved oxygen and pH of the water at Magic Springs as set forth in the engineering design appear to be within acceptable ranges. Ex. 1032 at 4. Hardgrove testified that, if deemed necessary, infrastructure including packed columns or aeration structures or degassing facilities could be added at the Rangen site. Tr. p. 145. Rangen raised no concerns regarding electrical conductivity or specific conductance.

62. The engineering design concludes there are no critical water quality disparities between the Magic Springs and Rangen water sources and that water from Magic Springs will be suitable for raising trout at Rangen. Ex. 1009 at 7. Rangen has previously purchased fingerlings from Magic Springs to stock in ponds and raise at the Rangen Facility. Tr. p. 219; 247. The water quality at Magic Springs is suitable for raising trout at the Rangen Facility.

63. With respect to the temporary pipeline system, Rangen raised concerns that, if used irrigation pipe delivers water to Rangen, there is a risk of contamination of water delivered from Magic Springs to the Rangen Facility. Tr. p. 241, 252.

### CONCLUSIONS OF LAW

1. Idaho Code § 42-602, addressing the authority of the Director over the supervision of water distribution within water districts, provides:

The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to the canals, ditches, pumps and other facilities diverting therefrom. Distribution of water within water districts created pursuant to section 42-604, Idaho Code, shall be accomplished by watermasters as provided in this chapter and supervised by the director. The director of the department of water resources shall distribute water in water districts in accordance with the prior appropriation doctrine. The provisions of chapter 6, title 42, Idaho Code, shall apply only to distribution of water within a water district.

In addition, Idaho Code § 42-1805(8) provides the Director with authority to “promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department.”

2. Idaho Code § 42-603 grants the Director authority to adopt rules governing water distribution. In accordance with chapter 52, title 67, Idaho Code, the Department adopted rules regarding the conjunctive management of surface and ground water effective October 7, 1994, (“CM Rules”). The CM Rules prescribe procedures for responding to a delivery call made by the holder of a senior-priority surface or ground water right against junior-priority ground water rights in an area having a common ground water supply. CM Rule 1.

3. CM Rule 43.01 sets forth the criteria for submission of a mitigation plan to the Director.

4. CM Rule 43.03 establishes factors that may be considered by the Director in determining whether a proposed mitigation plan will prevent injury to senior rights.

5. The Director concludes IGWA’s Fourth Mitigation Plan is an acceptable mitigation plan under the CM Rules and conditionally approves the plan. The Fourth Mitigation Plan adequately describes the actions that will be taken by IGWA to mitigate material injury to Rangen by pumping water from Magic Springs to the Rangen Facility for the beneficial purpose of fish propagation. CM Rule 43.01.d. The plan is in compliance with Idaho law. CM Rule 43.03.a. The plan has been geographically located and engineered. While IGWA has not finalized some aspects of the plan, for instance IGWA offered two possible points of diversion and also offered at least two alternative pipeline alignments, this does not render the plan unapprovable. In fact, because some aspects of the plan have not yet been finalized, this will

provide Rangen an opportunity to offer additional input on issues such as how to integrate the Magic Springs water into Rangen's system.

6. If implemented, the plan will provide water to Rangen "at the time and place required by the senior-priority water right..." CM Rule 43.03.b.

7. The permanent pipeline system proposed in the Fourth Mitigation Plan satisfies the necessary standard of temperature, water chemistry, reliability, and biosecurity. Should dissolved oxygen levels become an issue once the permanent pipeline system is constructed and operating, IGWA will be required to install an aeration system to oxygenate the water. Similarly, should it appear that gas supersaturation is an issue once the system is constructed and operating, IGWA will be required to address the issue.

8. The redundancy built into the permanent pumping and power system are the same type and design as those used by municipalities and hospitals and are of sufficient protection to justify approval of the Fourth Mitigation Plan. The system design is reliable. CM Rule 43.03.h. If IGWA builds the temporary pipeline, IGWA must provide similar redundancy for pumping and power systems.

9. While the system design near the proposed points of diversion at Magic Springs is open (i.e. there is no netting surrounding the headwaters of the springs and points of diversion), this is similar to the open systems at other fish hatcheries. Tr. p. 217-19. The open nature of these delivery systems does not cause problems for operations of fish facilities. *Id.* The system design provides adequate protection.

10. With respect to the temporary pipeline system, because the pipeline will be above ground, IGWA will be required to monitor the temperature of water delivered to the Rangen Facility through the pipeline to ensure temperatures remain within a suitable range for raising trout at the Rangen Facility.

11. Concerns were raised by Rangen about any potential contamination through the use of existing pipe to develop the temporary pipeline system. If IGWA decides to develop a temporary pipeline system, IGWA must build the pipeline using new pipe.

12. The Fourth Mitigation Plan should be approved conditioned upon the approval of the IGWA's September 10, 2014, Application for Transfer of Water Right to add the Rangen Facility as a new place of use for up to 10 cfs from water right number 36-7072 or an authorized lease through the water supply bank. The consideration of a transfer application is a separate administrative contested case evaluated pursuant to the legal standards provided in Idaho Code §§ 42-108 and 42-222. Issues of potential injury to other water users due to a transfer are most appropriately addressed in the transfer contested case proceeding.

13. An additional condition of approval is that all necessary agreements or options contracts must be reduced to final written agreements including:

- a. The IGWA/SeaPac agreement;

- b. The IGWA/IWRB agreement;
- c. Easements with Mitchell, North Side Canal Company, Hagerman Highway District, Morris, and Candy.

14. IGWA is required to pay for all costs of building, operating, maintaining, and monitoring the pipeline(s). As an additional contingency, IGWA is also required to purchase an insurance policy for the benefit of Rangen to cover any losses of fish attributable to the failure of the temporary or permanent pipeline system to the Rangen Facility. CM Rule 43.03.c

15. IGWA is entitled to know whether Rangen will refuse the replacement water. It appears Rangen will accept water provided from Magic Springs:

Question by Randy Budge, Attorney for IGWA: If [the water is] the quality of Magic [Springs], according to the tests and the testimony of Mr. Hardgrove, and according to the interrogatory answers of Rangen, that it's suitable to raise fish, if it comes in that form will you in fact begin to ramp up and change your operations and utilize it, or will you wait until April 1 when you know you have a constant supply of 5 or 6 [cfs], whatever is required, from that point on?

Response by Joy Kinyon, Rangen Manager: I think I've already answered that. But yes, if its suitable water, we will use that water for raising fish.

Tr. R. p. 253. However, to be certain, Rangen should be afforded an opportunity to consider and formally notify IGWA of its intent. Within seven (7) days from the date of this order, Rangen must state, in writing, whether it will accept the water delivered pursuant to the Magic Springs Project.

16. IGWA shall provide the 100 percent engineering design to the Department and Rangen upon its completion of the design. Objections to the 100 percent design must be filed within seven (7) days of receipt of the design. If no objections are received, the final engineering design will be deemed acceptable.

17. This approval does not modify the deadline established in the Director's approval of the Second Mitigation Plan. IGWA must provide the full 2.2 cfs mitigation required when credit for the Morris exchange agreement expires on January 19, 2015, or junior-priority ground water pumpers will face curtailment to satisfy the mitigation deficiency unless another mitigation plan has been approved and is providing water to Rangen at its time of need.

## ORDER

Based upon and consistent with the foregoing, the Director hereby orders as follows:

IT IS ORDERED that the Fourth Mitigation Plan is conditionally approved. It is approved conditioned upon approval of IGWA's September 10, 2014, Application for Transfer of Water Right to add the Rangen Facility as a new place of use for up to 10 cfs from water right number 36-7072 or an authorized lease through the water supply bank. Approval is also

conditioned upon all necessary agreements or options contracts being reduced to final written agreements.

IT IS FURTHER ORDERED that, should dissolved oxygen levels become an issue once the permanent pipeline system is constructed and operating, IGWA will be required to install an aeration system to oxygenate the water. Similarly, should it appear that gas supersaturation is an issue once the system is constructed and operating, IGWA will be required to address the issue.

IT IS FURTHER ORDERED that, if IGWA builds the temporary pipeline, IGWA must provide similar redundancy for the pumping and power system as proposed for the permanent pipeline pumping and power system. IGWA must also monitor the temperature of water delivered to the Rangen Facility through the temporary pipeline to ensure temperatures remain within a suitable range for raising trout at the Rangen Facility. In addition, if IGWA decides to construct a temporary pipeline system, IGWA must build the pipeline with new pipe.

IT IS FURTHER ORDERED that IGWA is required to purchase an insurance policy for the benefit of Rangen to cover any losses of fish attributable to the failure of the temporary or permanent pipeline system to the Rangen Facility.

IT IS FURTHER ORDERED that, within seven (7) days from the date of this order, Rangen must state, in writing, whether it will accept water delivered pursuant to the Magic Springs Project. Rangen must submit its written acceptance/rejection to the Department and IGWA. The written acceptance/rejection must state whether Rangen will accept the Magic Springs water and whether Rangen will allow construction on its land related to placement of the delivery pipe. If the Fourth Mitigation Plan is rejected by Rangen or Rangen refuses to allow construction in accordance with an approved plan, IGWA's mitigation obligation is suspended.

IT IS FURTHER ORDERED that IGWA shall provide the 100 percent engineering design to the Department and Rangen upon its completion of the design. Objections to the 100 percent design must be filed within seven (7) days of receipt of the design. If no objections are received, the final engineering design will be deemed acceptable.

IT IS FURTHER ORDERED that failure to provide water by January 19, 2015, to Rangen to satisfy the 2.2 cfs mitigation deficiency will result in curtailment of junior water rights, unless another mitigation plan has been approved and is providing water to Rangen at its time of need. If IGWA fails to satisfy this obligation, at 12:01 a.m. on or before January 19, 2015, users of ground water holding consumptive water rights bearing priority dates junior to August 12, 1973, listed in Attachment A to this order, within the area of common ground water, located west of the Great Rift, and within a water district that regulates ground water, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. This order shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering

where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that the watermasters for the water districts within the area of common ground water, located west of the Great Rift, and who regulate ground water, are directed to issue written notices to the holders of the consumptive ground water rights listed in Attachment A to this order. The water rights on the list bear priority dates equal or junior to August 12, 1973. The written notices are to advise the holders of the identified ground water rights that their rights are subject to curtailment in accordance with the terms of this order.

IT IS FURTHER ORDERED that this is a FINAL ORDER of the agency. Any party may file a petition for reconsideration of this final order within fourteen (14) days of the service of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law pursuant to Idaho Code § 67-5246.

IT IS FURTHER ORDERED that pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by the final order or orders previously issued by the Director in this matter may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which a hearing was held, the final agency action was taken, the party seeking review of the order resides, or the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days: (a) of the service date of the final order; (b) of an order denying petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Dated this 29<sup>th</sup> day of October 2014.

  
GARY SPACKMAN  
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 29<sup>th</sup>, 2014, I served a true and correct copy of the ORDER APPROVING IGWA'S FOURTH MITIGATION PLAN on the persons listed below by the method indicated.

RANDALL C BUDGE  
THOMAS J BUDGE  
RACINE OLSON NYE BUDGE &  
BAILEY CHARTERED  
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- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

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- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
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Deborah Gibson  
Administrative Assistant to the Director

# ATTACHMENT A

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
2+RANCH LLC	36-16161	8/9/1975	2.97	IRRIGATION, MITIGATION	395.5
2+RANCH LLC	36-16163	8/9/1975	0.02	MITIGATION	
4 BROS DAIRY INC	37-20613	12/19/1974	1.12	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-20614	12/19/1974	0.58	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-22653	5/16/1980	0.02	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-7033	7/5/1988	2.16	IRRIGATION	211
4 BROS DAIRY INC	37-7278	9/10/1973	6	IRRIGATION	390.9
4 BROS DAIRY INC	37-7575	3/28/1977	2.21	IRRIGATION	349
4 BROS DAIRY INC	37-8813	10/14/1983	0.13	STOCKWATER, COMMERCIAL	
4 BROS DAIRY INC	37-8814	7/10/1983	0.1	STOCKWATER, COMMERCIAL	
93 GOLF RANCH	36-7573	10/31/1975	2.92	IRRIGATION	188
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15127B*	4/1/1984	28.89	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15193B*	4/1/1965	0.31	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15194B*	4/1/1968	2.51	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15195B*	4/1/1978	2.24	IRRIGATION	82610
A & B IRRIGATION DISTRICT; UNITED STATES OF AMERICA ACTING THROUGH	36-15196B*	4/1/1981	0.08	IRRIGATION	82610
AARDEMA FARMS LTD PARTNERSHIP	36-10225F	5/1/1985	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-14035B	5/26/1976	0.42	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-15256C*	3/15/1975	0.92	IRRIGATION	401.6
AARDEMA FARMS LTD PARTNERSHIP	36-15256D	3/15/1975	0.11	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-15563	2/26/1979	1.91	IRRIGATION	608
AARDEMA FARMS LTD PARTNERSHIP	36-16275	5/28/1974	0.19	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16277	2/4/1976	0.17	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16279	2/22/1978	0.57	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16281	12/11/1978	0.03	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16283*	5/1/1985	0.17	IRRIGATION	302.7
AARDEMA FARMS LTD PARTNERSHIP	36-16449	5/26/1976	0.19	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-16891	1/10/1997	0.06	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-16893	11/1/1979	0.02	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-16896	5/26/1976	6.03	IRRIGATION	435.1
AARDEMA FARMS LTD PARTNERSHIP	36-16897	5/26/1976	0.23	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-7477F	5/28/1974	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7606F	2/4/1976	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7734	3/11/1977	1	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	30
AARDEMA FARMS LTD PARTNERSHIP	36-7779F	2/22/1978	0.02	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-7832F	12/11/1978	0.01	STOCKWATER	
AARDEMA FARMS LTD PARTNERSHIP	36-8169	4/6/1983	0.26	STOCKWATER, COMMERCIAL	
AARDEMA FARMS LTD PARTNERSHIP	36-8517	4/3/1990	0.04	STOCKWATER, COMMERCIAL	
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-15181*	3/15/1982	0.23	IRRIGATION	54
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-7387D	10/27/1973	0.15	STOCKWATER, COMMERCIAL	
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-7650A	7/30/1976	1.22	IRRIGATION	220

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AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-8305	2/14/1986	1.9	IRRIGATION	95
AARDEMA, CORNELIA; AARDEMA, FRANS; BOX CANYON LAND HOLDINGS LLC; HEIDA, MARY JANE; HEIDA, THOMAS	36-8362	6/3/1988	1	STOCKWATER, COMMERCIAL	
AARDEMA, DONALD J	36-8548	5/11/1990	0.06	STOCKWATER	
AARDEMA, DONALD JOHN	36-10225H*	5/1/1985	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7477H	5/28/1974	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7606H	2/4/1976	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7779H	2/22/1978	0.01	IRRIGATION	3
AARDEMA, DONALD JOHN	36-7832H	12/11/1978	0.01	IRRIGATION	3
AARON BALL FARMS INC	36-8183	5/12/1983	0.66	STOCKWATER, COMMERCIAL	
ABC AGRA LLC	36-8484	12/11/1989	0.08	COMMERCIAL, DOMESTIC	
ADKINS, GINA; ADKINS, RICK	36-8525	3/2/1990	0.06	IRRIGATION, DOMESTIC	1
AKL PROPERTIES LLC	36-16944	12/11/1981	1.72	IRRIGATION	295.7
ALLEN, BETTY; ALLEN, BUD	37-21225	1/29/1974	0.02	IRRIGATION	1
ALLEN, HERB; ALLEN, MARY CHUGG; LLOYD, DANIEL; TIERNEY LLOYD, MONA LISA	36-8523	4/25/1990	1.89	IRRIGATION	115
ALLEN, JANE C; ALLEN, WAYNE R	36-7418	12/11/1973	3.48	IRRIGATION	217
ALLEN, PATRICIA; ALLEN, STEPHEN B	37-21226	1/29/1974	2.72	IRRIGATION	154
ALLEN, REX	36-7649	10/19/1976	0.26	IRRIGATION, DOMESTIC	12
ALLIANCE LAND & LIVESTOCK LLC	45-13520*	3/15/1976	0.23	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14104	6/30/1985	0.09	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14105	6/30/1985	0.01	STOCKWATER, COMMERCIAL	
ALLIANCE LAND & LIVESTOCK LLC	45-14254	5/16/1980	0.08	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14255*	5/26/1971	0.02	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14256	9/12/1973	0.24	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-14257	5/4/1978	0.51	STOCKWATER, COMMERCIAL	
ALLIANCE LAND & LIVESTOCK LLC	45-7243	7/11/1975	2.19	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7482A	11/24/1981	2.18	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7482B	11/24/1981	1.99	IRRIGATION	3088.3
ALLIANCE LAND & LIVESTOCK LLC	45-7513	10/13/1982	0.31	IRRIGATION	3088.3
ALLRED, JACKSON W; SMITH, MIRIAM ALLRED	45-11142	6/30/1985	3.11	IRRIGATION	2073
ANDERLAND LLC	45-14070	2/6/1979	0.01	IRRIGATION	8.4
ANDERSEN, ALAN H; ANDERSEN, NORMA	45-13394	2/6/1979	0.05	STOCKWATER, COMMERCIAL	
ANDERSON, DONALD M; ANDERSON, JOAN	36-8285	6/14/1985	0.04	IRRIGATION	2
ANDERSON, GEORGE; ANDERSON, MARILYN	36-7777	2/7/1978	1.33	IRRIGATION	75
ANDERSON, SHERRY; HARRIS, STEVEN; JENSEN, CINDY	36-7897	2/25/1980	2.84	IRRIGATION	203
ANDRESEN DAIRY LLC	36-16381	9/12/1973	0.08	STOCKWATER, COMMERCIAL	
ANDRESEN DAIRY LLC	36-8215	6/22/1983	0.07	STOCKWATER, COMMERCIAL, DOMESTIC	
ANDRESEN DAIRY LLC	36-8735	1/10/1992	0.04	STOCKWATER, COMMERCIAL	
ANDREWS, GERALD CLINTON; ANDREWS, MARIAN J	36-15227*	8/27/1973	0.7	IRRIGATION	163
ARKOOSH, KAREN A; ARKOOSH, WILLIAM	37-7570	3/9/1977	4.29	IRRIGATION	277
ASTLE, DOUGLAS D; ASTLE, JANIS L	37-8296	5/11/1987	4.01	IRRIGATION	357.2
ASTLE, GERALDINE; ASTLE, SEM D	37-7538	11/2/1976	4.18	IRRIGATION	285

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ASTLE, MICHELE	37-8125	6/23/1983	0.04	STOCKWATER, COMMERCIAL, DOMESTIC	
ASTLE, RICK J; ASTLE, TANYA R	37-7264	8/21/1973	3.42	IRRIGATION	192
ASTORQUIA, FRANK	37-7475	2/12/1976	0.7	IRRIGATION	35
ASTORQUIA, FRANK	37-8338	5/19/1994	0.6	IRRIGATION	72
ASTORQUIA, FRANK; ASTORQUIA, JOSEPHINE	37-7460	7/3/2002	3.33	IRRIGATION	258
B & H FARMING	36-11643*	4/1/1981	1	IRRIGATION	448
B & H FARMING	36-15226*	6/15/1973	0.36	IRRIGATION	658
B & H FARMING	36-16206	4/14/1983	1.91	IRRIGATION	152
B & H FARMING	36-4264*	4/1/1974	2	IRRIGATION	455
B 4 DAIRY	36-7732B	10/21/1977	0.4	STOCKWATER, COMMERCIAL	
B 4 DAIRY	36-7732C	10/21/1977	2.64	IRRIGATION	132
B 4 DAIRY	36-7732D	10/21/1977	0.34	STOCKWATER, COMMERCIAL	
B-4 DAIRY LLC	36-8050	12/11/1981	2.34	IRRIGATION	403.3
BAAR, ANNA E; BAAR, THEODORE; NORTHWEST FARM CREDIT SERVICES FLCA	36-8478	11/7/1989	0.47	STOCKWATER, COMMERCIAL, DOMESTIC	
BAILEY, CALVIN M; BAILEY, DE ANN W	36-7735	7/25/1977	1.75	IRRIGATION	105
BAILEY, CARL W; BAILEY, STEPHANIE G	36-16981	3/4/1976	1	IRRIGATION	50
BAILEY, CARL W; BAILEY, STEPHANIE G	36-7615	3/4/1976	1.6	IRRIGATION	203
BAILEY, PATSY J; BAILEY, QUINN W	36-7941	9/17/1980	0.13	STOCKWATER, COMMERCIAL	
BAKER, DARRELL JAMES	36-13065A	3/15/1981	0.66	IRRIGATION	260.7
BAKER, DARRELL JAMES	36-13065B	3/15/1981	0.16	IRRIGATION	634.4
BAKER, DWAIN D; BAKER, LINDA	45-4216B	6/30/1985	0.01	IRRIGATION	7
BANDY, BONNIE; BANDY, BRADLEY W	36-7473	5/14/1974	0.1	IRRIGATION	5
BANNOCK PAVING CO	36-7470	4/26/1974	0.33	INDUSTRIAL	
BARNES, T H; COLLINS, LARRY	36-8780	4/17/1998	0.04	IRRIGATION, DOMESTIC	1
BARRYMORE EST SUBDIVISION WATER USERS	36-8155	3/4/1983	0.07	STOCKWATER, DOMESTIC	
BARRYMORE, BLAKE; BARRYMORE, DEBORAH	37-8145	7/7/1983	0.17	COMMERCIAL	
BAXTER, DAVID W; BAXTER, ELIZABETH R	36-7948	11/21/1980	0.87	IRRIGATION	160
BECK, BART L; BECK, DANENE	45-7263	3/30/1976	3	IRRIGATION	997.5
BECK, DAVID; BECK, SUSAN K	45-13907*	4/13/1971	0.11	STOCKWATER	
BECK, DAVID; BECK, SUSAN K	45-14304*	4/13/1971	2.14	IRRIGATION	1766
BECK, PAIGE	45-10679*	4/1/1977	0.22	IRRIGATION	301.8
BECK, PAIGE	45-10777B*	3/15/1976	0.23	IRRIGATION	151
BECK, SCOTT W	45-14448*	4/1/1977	0.3	IRRIGATION	427.7
BECKLEY, BONNIE B; BECKLEY, RON K	37-8138	6/29/1983	0.12	STOCKWATER, COMMERCIAL	
BEEM, DONNA L; BEEM, KENNETH C	36-7695	4/13/1977	1	IRRIGATION	50
BEEM, STEVEN G	36-7609	2/19/1976	3.18	IRRIGATION, STOCKWATER	295
BENNETT, CAROLE R; BENNETT, JOHN D	37-20931	5/5/2003	0.12	IRRIGATION	4.3
BEORCHIA PROPERTIES & HOLDINGS LLC	36-8108	8/16/1982	0.03	IRRIGATION, STOCKWATER, DOMESTIC	5
BETTENCOURT, LUIS M	36-10821A	6/1/1979	2.45	IRRIGATION	138
BETTENCOURT, LUIS M	36-10821B	6/9/1979	10.2	IRRIGATION	626.5
BETTENCOURT, LUIS M	36-15161*	3/15/1977	0.14	IRRIGATION	258
BETTENCOURT, LUIS M	36-15174A	11/21/1973	3.08	IRRIGATION	154
BETTENCOURT, LUIS M	36-15174B	11/21/1973	0.12	IRRIGATION	128
BETTENCOURT, LUIS M	36-15354	1/6/1975	2.3	IRRIGATION	193.4
BETTENCOURT, LUIS M	36-7368B	8/16/1973	0.04	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M	36-7373	8/31/1973	4.46	IRRIGATION	258

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BETTENCOURT, LUIS M	36-7499B	9/4/1974	0.12	IRRIGATION	128
BETTENCOURT, LUIS M	36-7605	2/4/1976	1.04	IRRIGATION, MITIGATION	29.6
BETTENCOURT, LUIS M	36-7608	2/24/1976	0.82	IRRIGATION	128
BETTENCOURT, LUIS M	36-8081	3/7/1983	0.42	IRRIGATION	22
BETTENCOURT, LUIS M	36-8135	11/5/1983	0.06	STOCKWATER, DOMESTIC	
BETTENCOURT, LUIS M	36-8302	11/14/1985	0.96	IRRIGATION	193.4
BETTENCOURT, LUIS M	36-8739	5/10/1995	1	IRRIGATION	108.6
BETTENCOURT, LUIS M	36-8740	5/10/1995	0.53	IRRIGATION	126.5
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14595A*	5/1/1978	1.31	IRRIGATION	414.8
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-14595B*	5/1/1978	0.1	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-16162	8/9/1975	0.01	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-7591D	12/29/1975	5.54	IRRIGATION	414.8
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-7591E	12/29/1975	0.52	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-8062	2/9/1982	0.05	STOCKWATER, COMMERCIAL, DOMESTIC	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	36-8411	4/18/1989	0.5	STOCKWATER, COMMERCIAL	
BETTENCOURT, LUIS M; BETTENCOURT, SHARON L	37-8865	3/25/1974	0.24	STOCKWATER, COMMERCIAL	
BHB FARMS INC	36-7494	8/12/1974	3.2	IRRIGATION	160
BHB FARMS INC	36-8144	2/2/1983	0.84	IRRIGATION	42
BICKETT, HARVEY B; BICKETT, MYRNA	37-8366	7/14/1988	0.06	IRRIGATION, DOMESTIC	0.8
BIG SKY DAIRY	36-7366B	8/13/1973	0.11	STOCKWATER	
BIG SKY DAIRY	36-7367C	8/13/1973	0.33	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7367G	8/13/1973	0.66	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7367K	8/13/1973	2.62	IRRIGATION	451.3
BIG SKY DAIRY	36-7367L	8/13/1973	2.52	IRRIGATION	762.6
BIG SKY DAIRY	36-7381C	9/19/1973	0.05	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7381G	9/19/1973	0.11	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7381K	9/19/1973	0.43	IRRIGATION	451.3
BIG SKY DAIRY	36-7381L	9/19/1973	0.42	IRRIGATION	762.6
BIG SKY DAIRY	36-7402	11/8/1973	2.78	IRRIGATION	451.3
BIG SKY DAIRY	36-7445C	2/21/1974	0.1	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7445G	2/21/1974	0.19	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7445K	2/21/1974	0.77	IRRIGATION	451.3
BIG SKY DAIRY	36-7445L	2/21/1974	0.74	IRRIGATION	762.6
BIG SKY DAIRY	36-7480D	5/31/1974	0.21	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7480H	5/31/1974	0.43	STOCKWATER, COMMERCIAL	
BIG SKY DAIRY	36-7480L	5/31/1974	1.73	IRRIGATION	451.3
BIG SKY DAIRY	36-7480M	5/31/1974	1.66	IRRIGATION	762.6
BIG SKY DAIRY	37-7388	9/30/1974	0.78	IRRIGATION	39
BIG SKY DAIRY	37-7419B	1/29/1975	0.14	IRRIGATION	7
BIG SKY DAIRY	37-7419C	1/29/1975	2.02	IRRIGATION	762.6
BIG SKY DAIRY	37-7435A	4/22/1975	0.74	IRRIGATION	762.6
BIG SKY DAIRY	37-7440A	5/31/1974	1.47	IRRIGATION	762.6
BIG SKY DAIRY	37-7488	4/15/1976	1.98	IRRIGATION	99
BIG SKY DAIRY	37-7639A	7/8/1977	2.76	IRRIGATION	762.6
BIG SKY DAIRY	37-7805	3/25/1975	0.78	IRRIGATION	39
BIG SKY DAIRY	37-8054	7/1/1983	3.34	IRRIGATION	167

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BIG SKY DAIRY	45-13549*	8/21/1978	0.76	IRRIGATION, STOCKWATER, COMMERCIAL	863
BIG SKY DAIRY	45-13853	6/30/1985	2.27	IRRIGATION	2077
BIG SKY DAIRY	45-13854	6/30/1985	1.66	IRRIGATION	2077
BIG SKY DAIRY	45-7258	2/2/1976	4.49	IRRIGATION	880
BIG SKY DAIRY	45-7276	10/13/1976	3	IRRIGATION	880
BIG SKY DAIRY	45-7335	9/19/1978	6.68	IRRIGATION, STOCKWATER, COMMERCIAL	863
BIG SKY DAIRY	45-7340A	2/2/1978	2.93	IRRIGATION	880
BIG SKY DAIRY	45-7355	8/21/1978	6.4	IRRIGATION, STOCKWATER, COMMERCIAL	863
BINGHAM II, WALLACE S; BINGHAM, NANCY L	36-7802B	6/16/1978	1.4	IRRIGATION	522.5
BINGHAM, LAVERLE M	36-8425	6/23/1989	0.88	IRRIGATION	105
BINGHAM, MARJORIE J; BINGHAM, THOMAS O	37-7473	2/4/1976	3.46	IRRIGATION	439
BLACK BUTTE HILLS LLC	36-15233*	4/6/1980	0.73	IRRIGATION	180
BLAINE COUNTY SCHOOL DISTRICT #61	37-21742	4/17/2006	0.8	IRRIGATION	20
BLAINE COUNTY SCHOOL DISTRICT #61	37-22542	4/30/2010	3.65	HEATING, COOLING	
BLALACK, JOANN K; SCHMIDT, CHESTER A	36-8208	5/20/1985	0.1	IRRIGATION, DOMESTIC	2
BLINCOE FARMS INC	36-15362*	4/1/1981	2.8	IRRIGATION	960
BLINCOE FARMS INC	36-7413	11/30/1973	5.18	IRRIGATION	960
BLIND CANYON AQUA RANCH INC	36-8299	10/21/2001	14.2	FISH PROPAGATION	
BLISS ACRES LLC; BOSMA, JACOB F	37-8487B	1/25/1989	0.18	STOCKWATER, COMMERCIAL	
BLISS LLC	37-7381	9/11/1974	0.8	IRRIGATION	40
BLISS LLC	37-7761A	5/8/1980	0.07	STOCKWATER, DOMESTIC	
BLISS LLC	37-7761B	5/8/1980	1.21	IRRIGATION	146
BLISS, GARY B	36-8459	9/22/1989	0.04	IRRIGATION	2.4
BLUE LAKES COUNTRY CLUB INC	36-8439	8/17/1989	0.18	COMMERCIAL	
BLUE SKY RANCH; KRUCKER, KATHLEEN; KRUCKER, ROBERT	36-16184	6/30/1983	0.13	STOCKWATER, DOMESTIC	
BLUE SKY RANCH; KRUCKER, KATHLEEN; KRUCKER, ROBERT	36-8482	11/7/1989	0.05	STOCKWATER	
BOER DAIRY LLC	36-7617	3/11/1976	10	IRRIGATION	920
BOER JR, ADRIAN K; BOER, LINDA M; NORTHWEST FARM CREDIT SERVICES FLCA	36-8359	6/15/1988	0.29	STOCKWATER, COMMERCIAL	
BOKMA, FLORA; BOKMA, HARRY B	36-8662	5/26/1992	0.18	STOCKWATER, COMMERCIAL	
BOLDT, LAWRENCE P; BOLDT, MARCY M	45-7370	1/24/1979	0.11	IRRIGATION, STOCKWATER	5.6
BONAWITZ, DANI; BONAWITZ, DUKE	36-8065	2/17/1982	0.12	IRRIGATION, DOMESTIC	5
BOOT JACK DAIRY PARTNERSHIP	37-20395	3/16/1982	2.1	IRRIGATION	277.4
BOOT JACK DAIRY PARTNERSHIP	37-20396	3/16/1982	0.08	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-16240	1/7/1974	0.01	STOCKWATER, COMMERCIAL	
BORBA, JOSE; BORBA, MARIA	36-8731	7/13/1994	0.08	STOCKWATER, DOMESTIC	
BORBA, JOSE; BORBA, MARIA	37-21318	1/7/1974	0.13	IRRIGATION, MITIGATION	4.5
BOSMA, JACOB F	37-8487C	1/25/1989	0.48	IRRIGATION	97.9
BOTHOF, GERALDA; BOTHOF, ROGER W	36-8805	10/31/2000	0.03	IRRIGATION	0.8
BOTT, BRIAN; BOTT, KELLI	36-16621	7/3/1974	2.32	IRRIGATION	135
BOWEN THEATRE CO	36-8631	11/7/1991	0.04	DOMESTIC	
BOWMAN, GARY F	37-7465B	12/1/1975	2.22	IRRIGATION	132
BOX CANYON DAIRY	36-8713	8/6/1993	0.04	STOCKWATER	
BOX CANYON LAND HOLDINGS LLC	36-10044*	3/1/1984	0.55	IRRIGATION	124
BOX CANYON LAND HOLDINGS LLC	36-15991	11/29/1973	0.08	STOCKWATER, COMMERCIAL	

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BOX CANYON LAND HOLDINGS LLC	36-16274	5/28/1974	0.29	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16276	2/4/1976	0.29	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16278	2/22/1978	0.86	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16280	12/11/1978	0.08	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16282*	5/1/1985	0.26	IRRIGATION	444
BOX CANYON LAND HOLDINGS LLC	36-16497	11/29/1973	1.24	IRRIGATION	126.2
BOX CANYON LAND HOLDINGS LLC	36-16498	11/29/1973	0.16	STOCKWATER, COMMERCIAL	
BOX CANYON LAND HOLDINGS LLC	36-7387A	10/27/1973	0.44	IRRIGATION	33.7
BOX CANYON LAND HOLDINGS LLC	36-7387C	10/27/1973	0.17	IRRIGATION	33.7
BOX CANYON LAND HOLDINGS LLC	36-7450A	3/6/1974	5.2	IRRIGATION	261
BOX CANYON LAND HOLDINGS LLC	36-7585	12/9/1975	0.52	IRRIGATION	97
BOX CANYON LAND HOLDINGS LLC	36-7713A	8/13/1977	0.85	IRRIGATION	107
BOX CANYON LAND HOLDINGS LLC	36-7713B	8/13/1977	0.13	STOCKWATER, COMMERCIAL	
BOX CANYON LAND HOLDINGS LLC	36-7871	9/24/1979	1	IRRIGATION, STOCKWATER, COMMERCIAL	40
BRADLEY, DAWN ANN; BRADLEY, R BRUCE	36-8112	9/7/1982	0.04	IRRIGATION, COMMERCIAL, DOMESTIC	1
BRANCHFLOWER, KATHERINE L; BRANCHFLOWER, MICHAEL G	36-8581	3/13/1991	0.74	IRRIGATION	39
BRANDSMA, ANN; BRANDSMA, HILL A	36-16028	5/28/1974	0.21	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16030	2/4/1976	0.19	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16032	2/22/1978	0.61	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16034	12/11/1978	0.05	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-16036*	5/1/1985	0.18	IRRIGATION	318
BRANDSMA, ANN; BRANDSMA, HILL A	36-7574	10/30/1975	1.5	IRRIGATION	108
BRANDSMA, ANN; BRANDSMA, HILL A	36-7576	11/17/1975	1.97	IRRIGATION	140
BRANDSMA, ANN; BRANDSMA, HILL A	36-7799	6/27/1978	0.8	IRRIGATION	40
BRANDSMA, ANN; BRANDSMA, HILL A	36-8140	1/21/1983	0.11	STOCKWATER, COMMERCIAL	
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-7513	11/29/1974	1.73	IRRIGATION	152
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-8252D	10/17/1984	0.52	STOCKWATER, COMMERCIAL	
BRANDSMA, DEBRA K; BRANDSMA, KENNETH A	36-8787	1/22/1999	1.05	IRRIGATION	152
BRANDSMA, HILL A	36-8063D	3/18/1982	0.28	STOCKWATER, COMMERCIAL	
BRETZ, WAYNE E	37-7376	8/14/1974	0.09	IRRIGATION, STOCKWATER, DOMESTIC	5
BROWN II, ROBERT BURTON; BROWN, MARIA CHRISTENSEN	45-14189*	3/15/1968	0.01	IRRIGATION	3
BROWN, AUSTIN; BROWN, REED	36-7484	6/12/1974	0.18	IRRIGATION, DOMESTIC	13
BROWN, JAY A; BROWN, MARIE H	36-8111	8/20/1982	0.76	IRRIGATION	309.8
BROWNING FAMILY LLC	36-10123*	4/1/1977	1.78	IRRIGATION	429
BUERKLE, ARLEN E; BUERKLE, MARY LEE	36-8519	4/10/1990	0.09	IRRIGATION, COMMERCIAL	1.5
BURLEY IRRIGATION DISTRICT	45-7720	9/27/1993	0.09	DOMESTIC	
BURLEY WEST INVESTMENTS LLC	45-13522*	3/15/1976	1.05	IRRIGATION	358.6
BURTON, JERRY; BURTON, SUZANNE	36-8181	4/28/1983	0.09	IRRIGATION, DOMESTIC	1.5
BUSMAN, JOHN R; BUSMAN, SHERRY A	36-10640	6/1/1978	0.04	STOCKWATER, DOMESTIC	
BUSMAN, JOHN R; BUSMAN, SHERRY A	36-16182	1/7/1974	0.04	STOCKWATER, COMMERCIAL	
BUSMAN, JOHN R; BUSMAN, SHERRY A	37-21134	1/7/1974	0.31	IRRIGATION, MITIGATION	18.9
BUTTARS FAMILY LTD PARTNERSHIP	36-8453	9/21/1989	0.04	COMMERCIAL	
BUTTERFIELD, LEE	45-7200	11/19/1974	0.33	IRRIGATION	29
BUXTON, ANNA LEE; BUXTON, BILL W	36-7496	8/13/1974	0.33	IRRIGATION	27
C DE KRUYF DAIRY PARTNERSHIP	36-15993	7/31/1974	0.52	IRRIGATION	116

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C DE KRUYF DAIRY PARTNERSHIP	36-7491	7/31/1974	1.64	IRRIGATION	120
C DE KRUYF DAIRY PARTNERSHIP	36-8539	4/13/1990	0.27	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	1
CALDERON, DAVID	36-8463	9/18/1989	0.02	COMMERCIAL	
CALKINS, LAWRENCE L	37-20382	3/1/2001	0.07	DOMESTIC	
CALKINS, LAWRENCE L	37-20383	3/12/2001	0.07	DOMESTIC	
CALKINS, LAWRENCE L	37-22596	2/15/2011	0.07	DOMESTIC	
CALKINS, LAWRENCE L; CALKINS, SANDRA L	37-21384	12/6/2004	0.07	DOMESTIC	
CALLEN, JERRY; CALLEN, PATRICIA	36-7384	10/4/1973	2.26	IRRIGATION	130
CALLEN, JERRY; CALLEN, PATRICIA	36-7975	3/20/1981	0.03	STOCKWATER	
CALVARY BAPTIST CHURCH	45-14173	5/16/1980	0.01	IRRIGATION	
CAMPBELL, ANNIE M; CAMPBELL, WILLIAM ROY	36-8535	4/12/1990	0.13	IRRIGATION, DOMESTIC	4
CANYONSIDE DAIRY	36-7947	11/28/1980	0.13	IRRIGATION, STOCKWATER, DOMESTIC	4
CARLQUIST BROTHERS	36-7527	3/26/1975	0.6	IRRIGATION	528.5
CARNEY FARMS	36-16395	12/8/1981	0.62	IRRIGATION	524
CARNEY FARMS	36-7501	9/18/1974	0.8	IRRIGATION	40
CARNEY FARMS	36-7949	2/4/1981	1.41	IRRIGATION	524
CARNEY, BARBARA J; CARNEY, GARY	36-7408	11/21/1973	1.84	IRRIGATION	779
CARNEY, BARBARA J; CARNEY, GARY	36-7560	3/3/1976	5.45	IRRIGATION	779
CARNEY, BARBARA J; CARNEY, GARY	36-7603	1/29/1976	1.76	IRRIGATION	779
CARRELL, F DUANE	36-8342	1/5/1988	0.02	COMMERCIAL	
CARRILLO, CUTBERTO	36-8407	1/19/1989	0.08	IRRIGATION, DOMESTIC	3
CASSIA JOINT SCHOOL DISTRICT #151	45-7207	3/22/1975	0.36	IRRIGATION	18
CASSIA JOINT SCHOOL DISTRICT #151	45-7208	12/19/1974	0.22	IRRIGATION	11
CASSIA JOINT SCHOOL DISTRICT #151	45-7236	4/28/1975	0.13	IRRIGATION	6.6
CASSIA JOINT SCHOOL DISTRICT #151	45-7741	11/12/1998	0.45	IRRIGATION	11.7
CASTLE, NICOLE R; CASTLE, SCOTT A	37-7621D	6/7/1977	0.77	IRRIGATION	39
CATMULL, KAY E	36-8496	10/24/1989	0.03	COMMERCIAL	
CENARRUSA, JANICE M; CENARRUSA, JERRY	37-7517	9/7/1976	2.04	IRRIGATION	160
CENARRUSA, JANICE M; CENARRUSA, JERRY	37-7593A	5/4/1977	2.2	IRRIGATION	110
CENARRUSA, JOHN L	37-7593B	5/4/1977	1.88	IRRIGATION	94
CHAMBERS, DEANNA; CHAMBERS, FERRELL J	36-7715	5/26/1977	3.63	IRRIGATION	257
CHAMBERS, DEANNA; CHAMBERS, FERRELL J	36-7885	12/28/1979	0.74	IRRIGATION	257
CHISHOLM, DONALD J	45-7564	11/20/1984	0.02	HEATING, COOLING	
CHRISTENSEN, PAUL; CHRISTENSEN, PERRY G	45-14188*	3/15/1968	0.17	IRRIGATION	389.6
CHRISTIANSON FAMILY REVOCABLE TRUST	45-11180	6/30/1985	0.27	IRRIGATION	307
CHURCH OF LIFE	36-8504	2/20/1990	0.01	STOCKWATER, DOMESTIC	
CIOCCA, ANN A; CIOCCA, EDWARD M	36-7448	2/27/1974	2.23	IRRIGATION	139.1
CIOCCA, ANN A; CIOCCA, EDWARD M	36-8219	6/30/1983	1.72	IRRIGATION	86
CIOCCA, ANN A; CIOCCA, EDWARD M; NORTHWEST FARM CREDIT SERVICES FLCA	36-8672	9/23/1992	0.06	STOCKWATER	
CIOCCA, TONY M; CIOCCA, TRINA A	36-8255	12/7/1984	1.16	IRRIGATION	154
CITY OF BLISS	37-8886	11/24/1998	0.45	MUNICIPAL	
CITY OF BURLEY	36-8154	2/24/1983	1.2	INDUSTRIAL	

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CITY OF BURLEY	45-13411	10/22/2001	7.8	MUNICIPAL	
CITY OF BURLEY	45-7269	5/25/1976	3.56	MUNICIPAL	
CITY OF BURLEY	45-7436	2/15/1980	0.69	MUNICIPAL	
CITY OF BURLEY	45-7686	2/11/1991	1.75	MUNICIPAL	
CITY OF BURLEY	45-7735	9/3/1996	4.46	MUNICIPAL	
CITY OF CAREY	37-20384	3/20/2001	0.7	MUNICIPAL	
CITY OF CAREY	37-21243	12/25/2003	0.6	MUNICIPAL	
CITY OF CAREY	37-21355	9/23/2004	1.29	MUNICIPAL	
CITY OF CAREY	37-22661	8/18/2011	1.45	MUNICIPAL	
CITY OF CAREY	37-7766	2/21/1979	0.71	MUNICIPAL	
CITY OF DECLO	45-7726	2/16/1995	2.23	MUNICIPAL	
CITY OF DIETRICH	37-22751	6/1/2012	0.2	MUNICIPAL	
CITY OF GOODING	37-11221	4/20/1977	5.9	MUNICIPAL	
CITY OF GOODING	37-7597	5/5/1977	1.07	IRRIGATION	78
CITY OF HAZELTON	36-7634B	7/23/1976	0.14	IRRIGATION	7
CITY OF HAZELTON	36-7858	6/12/1979	1	MUNICIPAL, DOMESTIC	
CITY OF HEYBURN	36-8550	5/29/1990	6.67	MUNICIPAL	
CITY OF HEYBURN	36-8738	5/22/1995	3.3	MUNICIPAL	
CITY OF JEROME	36-16938	8/20/1982	0.01	IRRIGATION	2.2
CITY OF JEROME	36-8234	1/11/1984	1.23	IRRIGATION, COMMERCIAL, DOMESTIC, RECREATION	14
CITY OF JEROME	36-8237	12/22/1983	2.71	MUNICIPAL	
CITY OF PAUL	36-7899	2/27/1980	0.78	MUNICIPAL	
CITY OF PAUL	36-8763	10/18/1999	2.75	MUNICIPAL	
CITY OF RICHFIELD	37-22431	1/13/2009	1.19	MUNICIPAL	
CITY OF RICHFIELD	37-8402	9/22/1988	1.63	MUNICIPAL	
CITY OF RUPERT	36-7862	10/11/1985	1.15	MUNICIPAL	
CITY OF RUPERT	36-7863	6/30/1979	3.83	MUNICIPAL	
CITY OF SHOSHONE	37-7432	5/6/1975	2	MUNICIPAL	
CITY OF SHOSHONE	37-7662	8/30/1977	2.01	MUNICIPAL	
CITY OF WENDELL	36-7440	2/6/1974	0.22	INDUSTRIAL	
CITY OF WENDELL	36-7722	6/20/1977	2.67	MUNICIPAL	
CITY OF WENDELL	36-8421	9/14/1998	2.76	MUNICIPAL	
CITY OF WENDELL	36-8764	3/28/1997	1.27	MUNICIPAL	
CLARK, BETTE L; CLARK, RAYMOND G	36-15253*	3/15/1985	0.34	IRRIGATION	211
CLARK, BETTE L; CLARK, RAYMOND G	36-7644	9/22/1976	3.34	IRRIGATION	211
CLARK, RAYMOND G	36-8286	6/26/1985	0.21	IRRIGATION	225
CLAYSON, CASEY; CLAYSON, SHANE	45-7496	1/27/1982	0.06	IRRIGATION, DOMESTIC	0.7
CLAYTON, CARRIE L; CLAYTON, DOUGLAS M	45-13400	7/7/1986	0.06	IRRIGATION	2
CLEAR LAKE COUNTRY CLUB	36-8369	7/6/1988	0.07	COMMERCIAL	
CLEAR SPRINGS FOODS INC	36-16156	4/9/2003	1.34	INDUSTRIAL, DOMESTIC	
CLEAR SPRINGS TROUT CO	36-8639	2/18/1992	0.04	COMMERCIAL, DOMESTIC	
CLIFFORD SEARLE FAMILY TRUST	45-14415	5/4/1978	0.65	IRRIGATION	4389
CLOYD R SEARLE FAMILY TRUST	45-14416	5/4/1978	0.66	IRRIGATION	4389
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7315A	11/7/1973	3.05	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7379	9/21/1974	3.96	IRRIGATION	300
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7419D	1/29/1975	0.18	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7420A	1/29/1975	1.48	IRRIGATION	422

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COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7420B	1/29/1975	0.58	STOCKWATER, COMMERCIAL	
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7435B	4/22/1975	0.06	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7438	5/13/1975	3	IRRIGATION	153
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7440B	5/31/1974	0.13	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7470	12/9/1975	3.12	IRRIGATION	422
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7476	1/7/1976	1.4	IRRIGATION	300
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7545	2/1/1977	0.18	STOCKWATER, COMMERCIAL	
COLEMAN, CAROLYN F; COLEMAN, GARY R	37-7639B	7/8/1977	0.13	IRRIGATION	422
COOK, TYSON; COOK, VALERIE B	36-7927	7/15/1980	0.07	IRRIGATION, DOMESTIC	1
COOMBS, MICHAEL R	36-15565	2/5/2001	0.08	DOMESTIC	
CORP OF THE PRESIDING BISHOP	36-7782	3/10/1978	2.43	IRRIGATION	132
CORP OF THE PRESIDING BISHOP	36-8145	2/14/1983	0.04	IRRIGATION, DOMESTIC	0.5
CORP OF THE PRESIDING BISHOP	36-8428	6/7/1989	0.02	IRRIGATION	0.5
CORP OF THE PRESIDING BISHOP	36-8429	6/7/1989	0.12	IRRIGATION	4
CORP OF THE PRESIDING BISHOP	36-8430	6/7/1989	0.04	IRRIGATION, DOMESTIC	0.8
CORP OF THE PRESIDING BISHOP	37-7076	10/24/1988	0.09	IRRIGATION, DOMESTIC	1
CORP OF THE PRESIDING BISHOP	45-10984	6/30/1985	0.78	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-11867	6/30/1985	0.29	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13471	6/30/1985	0.69	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13472	6/30/1985	0.7	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13781	6/30/1985	2.43	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13782	6/30/1985	1.47	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13798	6/30/1985	0.2	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-13811	6/30/1985	0.93	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-4216A	6/30/1985	4.99	IRRIGATION	7502
CORP OF THE PRESIDING BISHOP	45-7535	6/10/1983	0.08	IRRIGATION	2.5
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	11/18/1991	0.5	STOCKWATER, DOMESTIC, FIRE PROTECTION	
CRANE, CALVIN C	45-7303	5/10/1977	1.28	IRRIGATION, STOCKWATER	62
CRANE, SARA D	36-8282	6/13/1985	2	IRRIGATION	108
CRANER, DAVID A; CRANER, HELEN B	45-7442	4/4/1980	0.12	IRRIGATION	4
CRANNEY BROTHERS	45-13550	6/30/1985	8.14	IRRIGATION	3605
CRANNEY BROTHERS	45-7150	8/17/1973	6.2	IRRIGATION, STOCKWATER	3605
CRANNEY BROTHERS	45-7242	6/27/1975	4.8	IRRIGATION	3605
CRANNEY BROTHERS	45-7307	5/11/1977	4.48	IRRIGATION	3605
CRANNEY LAND CO LLC	45-13999	1/7/1975	1.72	IRRIGATION	255
CRANNEY RANCHES	45-13599*	6/11/1981	0.42	IRRIGATION	344
CRESPO TRUCKING INC	37-8355	8/9/1988	0.04	COMMERCIAL, DOMESTIC	
CRESPO, ATILANO	37-7694	1/9/1978	0.1	IRRIGATION	5
CROCKER, BRENT; CROCKER, TONIA	36-8375	7/18/1988	0.04	IRRIGATION, DOMESTIC	2
CULLEY, JUDITH; CULLEY, RYAN D	36-8563	10/18/1990	0.07	IRRIGATION, DOMESTIC	1
DALLEY, RICHARD B; DALLEY, SHAUNA H	36-16129	11/8/1973	1.24	IRRIGATION	813.6
DALLEY, RICHARD B; DALLEY, SHAUNA H	36-4263*	3/15/1974	0.74	IRRIGATION	352
DANSIE, BERTHA D; DANSIE, ELVOY H	37-8363	8/6/1988	0.05	STOCKWATER, COMMERCIAL, DOMESTIC	

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DARRINGTON, MARK L; DARRINGTON, VERLA	45-7249	10/28/1975	4.54	IRRIGATION	227
DARRINGTON, MARK L; DARRINGTON, VERLA	45-7501	4/7/1982	2	IRRIGATION	108
DARRINGTON, MARK L; DARRINGTON, VERLA	45-7551	7/26/1983	0.6	IRRIGATION	30
DARRINGTON, MARK L; KOEPNICK, KENNY D; KOEPNICK, TAMMERA L	45-7455	10/30/1980	0.11	IRRIGATION	5.8
DARRINGTON, MARK L; KOEPNICK, KENNY D; KOEPNICK, TAMMERA L	45-7552A	7/19/1983	0.19	IRRIGATION, DOMESTIC	10
DAVIDSON, JOSEPH E	36-8790	4/12/1999	0.05	DOMESTIC	
DAVIS, STACI ; DAVIS, TRENT W	36-7457	3/20/1974	1.18	IRRIGATION	59
DAVIS, STACI ; DAVIS, TRENT W	36-7458	3/20/1974	0.8	IRRIGATION	40
DDARK PROPERTIES	36-8441A	9/12/1989	0.04	IRRIGATION	1
DDARK PROPERTIES	36-8441B	9/12/1989	0.02	COMMERCIAL	
DE FILIPPIS, EARL H; DE FILIPPIS, JOAN A	36-7864	6/18/1979	0.03	IRRIGATION	1
DE KRUYF, ALICE RUTH; DE KRUYF, CALVIN	36-10082A*	3/15/1976	0.21	IRRIGATION	162.7
DE KRUYF, ALICE RUTH; DE KRUYF, CALVIN	36-8530	4/5/1990	0.54	STOCKWATER, COMMERCIAL, DOMESTIC	
DE KRUYF, CALVIN; DE KRUYF, MARK A	36-10082B	3/15/1976	0.06	STOCKWATER, COMMERCIAL	
DE KRUYF, CALVIN; DE KRUYF, MARK A	36-8481	12/4/1989	0.34	STOCKWATER	
DE MOSS, GARY A; DE MOSS, HELEN	37-22168	9/20/1974	1.73	IRRIGATION, STOCKWATER	808
DE VRIES, KRISTY; DE VRIES, WIETZE	36-15711	12/8/1981	0.06	STOCKWATER, COMMERCIAL	
DE WIT DAIRY	36-8661	5/21/1992	0.26	STOCKWATER, COMMERCIAL	
DE WIT, MELINDA; DE WIT, NEIL	36-7714B	5/19/1977	1.44	IRRIGATION	144
DE WIT, NEIL	36-7714A	5/19/1977	2.79	IRRIGATION	188
DE WIT, NEIL	36-8388	5/8/2003	0.17	STOCKWATER, COMMERCIAL	
DEL RIO ESTATES HOMEOWNERS ASSN INC	45-7647	6/6/1989	0.2	DOMESTIC	
DELIS FARMS INC	36-7371	8/23/1973	2.9	IRRIGATION	1275
DELIS FARMS INC	36-7652	10/29/1976	5.06	IRRIGATION	283
DELIS FARMS INC	36-8489	10/11/1989	0.02	COMMERCIAL	
DEVELOPMENT WEST CORP	37-8379	8/22/1988	0.36	IRRIGATION, DOMESTIC	17
DEWIT DAIRY PARTNERSHIP	36-8491	10/31/1989	0.33	STOCKWATER, COMMERCIAL	
DICKINSON, DALE; DICKINSON, MARSHA	36-8681	10/16/1992	0.03	IRRIGATION, DOMESTIC	1
DILWORTH, PAMLA; DILWORTH, REED W	36-8114	6/16/1982	0.04	IRRIGATION, DOMESTIC	3
DIMOND, CAROLYN T; DIMOND, HAROLD	36-7401	11/7/1973	3.52	IRRIGATION	343
DIMOND, DEAN T; DIMOND, EDEN C	36-7614	5/8/1976	1.26	IRRIGATION	322
DINIS, MANUEL A; DINIS, MARIA	36-10656	3/1/1981	0.04	STOCKWATER, COMMERCIAL	
DINIS, MANUEL A; DINIS, MARIA	36-7460S	3/25/1974	0.11	STOCKWATER, COMMERCIAL	
DINOS LLC; DINOS LLC	36-8680	10/21/1992	0.1	DOMESTIC	
DOUBLE A DAIRY	37-22613	9/29/1976	0.1	IRRIGATION	335.1
DOUBLE A DAIRY	37-22614	9/29/1976	0.19	STOCKWATER, COMMERCIAL	
DOUBLE A DAIRY	37-7533B	9/29/1976	0.12	STOCKWATER, COMMERCIAL	
DOUBLE V LLC	36-7582	1/1/1976	1.6	IRRIGATION	138
DOUBLE V LLC	36-8247	6/12/1984	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
DOUBLE V LLC	36-8543	6/15/1990	0.08	STOCKWATER, COMMERCIAL	
DOUBLE V LLC	37-7453	8/27/1975	2.14	IRRIGATION, STOCKWATER	146
DOUBLE V LLC	37-8756A	2/4/1987	2.41	IRRIGATION	146.5
DOUBLE V LLC	37-8756B	2/4/1987	2.41	IRRIGATION	146.5
DOUBLE V LLC	37-8757	2/4/1987	2.56	IRRIGATION	160
DOUBLE V LLC; VANDERVEGT, RAY	36-7377B	9/7/1973	0.11	STOCKWATER, COMMERCIAL	

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DOUBLE V LLC; VANDERVEGT, RAY	36-7460G	3/25/1974	0.19	IRRIGATION	32
DOUBLE V LLC; VANDERVEGT, RAY	36-7547B	5/13/1975	0.09	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8047B	12/9/1981	0.17	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8047D	12/9/1981	0.26	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8047E	12/9/1981	0.8	IRRIGATION	81
DOUBLE V LLC; VANDERVEGT, RAY	36-8047F	12/9/1981	0.09	STOCKWATER, COMMERCIAL	
DOUBLE V LLC; VANDERVEGT, RAY	36-8313B	8/20/1986	0.32	IRRIGATION	16
DRAKOS, CHRIS	45-13469	6/30/1985	0.16	IRRIGATION	318
DRISCOLL BROTHERS PARTNERSHIP	36-8466	10/4/1989	0.03	COMMERCIAL	
DUFFIN, DON D	45-7696	1/3/1992	0.02	IRRIGATION	0.5
DUGAN FAMILY FARMS LLC	36-7704A	5/12/1977	1.58	IRRIGATION	79
DUGAN FAMILY FARMS LLC	36-7704B	5/12/1977	0.18	STOCKWATER, COMMERCIAL	
DUNCAN PARTNERSHIP TRUST	45-7232C	3/13/1975	0.17	IRRIGATION	274
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-13531*	4/1/1979	0.42	IRRIGATION	341
DUNCAN PARTNERSHIP TRUST; DUNCAN, KATHY F; DUNCAN, PAUL H	36-15458*	12/31/1978	0.05	IRRIGATION	158
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15200*	3/15/1980	1.01	IRRIGATION	296
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15979	3/13/1975	0.02	IRRIGATION	256
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15980	3/13/1975	0.24	IRRIGATION	256
DUNCAN PARTNERSHIP TRUST; PKD PROPERTIES LC	36-15981	2/10/1981	0.65	IRRIGATION	256
DUNCAN, JACK F; WALTON, DANIEL C	45-7658	7/8/1989	0.02	COMMERCIAL	
DUNCAN, KATHY F; DUNCAN, PAUL H	45-4241B*	8/20/1976	0.3	IRRIGATION	271
DURAND, DANIEL G; DURAND, VICKY S	37-8410	10/4/1988	0.03	STOCKWATER, COMMERCIAL, DOMESTIC	
DURFEE, BRENDA J; DURFEE, JAMES M	36-8367	6/21/1988	0.11	STOCKWATER, COMMERCIAL	
DURFEE, DEWEY D	36-7641	5/19/1983	1.19	IRRIGATION	64
DUTCHMEN MFG INC	45-7512	9/28/1982	1.57	COMMERCIAL	
EAMES, CARI H; EAMES, TIMOTHY R	36-7460N	3/25/1974	0.2	STOCKWATER, COMMERCIAL	
EAMES, CARI H; EAMES, TIMOTHY R	36-8231	9/27/1983	0.04	RECREATION	
EAST RIDGE MILK LLC	45-14020	2/10/1981	0.04	STOCKWATER	
EAST RIDGE MILK LLC	45-7462B	2/10/1981	0.22	STOCKWATER	
EDDINGS, RE NAE; SPURGEON-EDDINGS, JASON T	45-7615	6/17/1987	0.07	IRRIGATION, DOMESTIC	1
EDWARDS, KENT F	36-8628	11/26/1991	0.18	IRRIGATION, STOCKWATER, DOMESTIC	8
EKINS, CHRIS; EKINS, ERNESTINE	45-7634	4/12/1993	0.06	COMMERCIAL	
ESTATE OF RAY CHUGG	36-8266	3/18/1985	0.12	STOCKWATER, COMMERCIAL, DOMESTIC	
ESTATE OF TED LENO	36-7607	2/20/1976	4.5	IRRIGATION	289
EVANS GRAIN & ELEVATOR CO	36-8436	9/8/1989	0.11	COMMERCIAL	
EVANS GRAIN & ELEVATOR CO	37-8573	11/6/1989	0.03	COMMERCIAL	
EVARD LLC	45-13573	5/19/2003	0.11	STOCKWATER, COMMERCIAL	
EVERS BROTHERS PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	36-8584	2/26/1991	2.08	IRRIGATION	144
EVERS, DARLENE; EVERS, J RAY	36-7668	1/13/1977	1.22	IRRIGATION	76
FARMLAND RESERVE INC	36-11278*	4/1/1977	2.55	IRRIGATION	1610
FARMLAND RESERVE INC	36-15564	2/26/1979	0.96	IRRIGATION	307
FARMLAND RESERVE INC	36-8239	1/12/1984	0.88	IRRIGATION	630

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FARMLAND RESERVE INC	45-14175	6/30/1985	1.03	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7238	5/2/1975	6.4	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7363	1/8/1979	1.66	IRRIGATION	3832.6
FARMLAND RESERVE INC	45-7374	4/11/1979	3.1	IRRIGATION	3832.6
FASSETT, LYLE A	36-12650	3/15/1979	0.08	IRRIGATION	146
FASSETT, LYLE A	36-8046	12/11/1981	0.62	IRRIGATION	202.5
FASSETT, LYLE A	36-8446	9/26/1989	0.2	IRRIGATION	10
FATTIG, PATSY; FATTIG, WAYNE	36-7524	3/5/1975	4.36	IRRIGATION	232
FATTIG, PATSY; FATTIG, WAYNE	36-8637	12/6/1991	0.23	IRRIGATION	245
FAULKNER LAND & LIVESTOCK CO INC	37-7808	11/16/1979	3.26	IRRIGATION	163
FAULKNER LAND & LIVESTOCK CO INC	37-8005B	3/20/1982	2.02	IRRIGATION	264
FAULKNER LAND & LIVESTOCK CO INC	37-8005C	3/20/1982	1.6	IRRIGATION	264
FAULKNER LAND & LIVESTOCK CO INC	37-8005D	3/20/1982	0.41	IRRIGATION	264
FAULKNER LAND & LIVESTOCK CO INC	37-8487D	1/25/1989	0.86	IRRIGATION	112
FAULKNER LAND & LIVESTOCK CO INC	37-8720	4/23/1991	3.2	IRRIGATION	324
FEARLESS FARRIS STINKER STATIONS	36-8332	10/12/1987	0.04	COMMERCIAL	
FED AGRIBUSINESS LLC	45-10164	6/30/1985	2.47	IRRIGATION	515
FED AGRIBUSINESS LLC	45-7201	11/18/1974	5.72	IRRIGATION	936
FIELDS, KAREN C; FIELDS, VIRGIL	37-7699	2/23/1978	0.2	STOCKWATER, DOMESTIC	
FIRST PRESBYTERIAN CHURCH	45-7529	4/13/1983	0.03	IRRIGATION	1
FLAT TOP SHEEP CO	36-8273	7/4/1985	0.68	IRRIGATION	447
FLAT TOP SHEEP CO	36-8275A	5/9/1985	2.44	IRRIGATION	447
FLAT TOP SHEEP CO	36-8641	8/25/1983	0.08	STOCKWATER, DOMESTIC	
FORD, JOYCE A; FORD, THOMAS RAY	36-14617*	5/1/1982	0.9	IRRIGATION	378
FORD, JOYCE A; FORD, THOMAS RAY	36-14619*	5/1/1965	1.32	IRRIGATION	311
FORSYTH, DANNY R	36-16639	2/26/1980	1.1	IRRIGATION	59
FORSYTH, DANNY R; FORSYTH, GINGER	36-8531	4/24/1990	0.05	IRRIGATION, DOMESTIC	0.8
FOUR + RANCH INC	37-8729	6/11/1991	2	IRRIGATION	120
FOWLER, GARY; SOMSEN, G FRANK; SOMSEN, KRISTINE P	45-7192	10/7/1974	0.36	IRRIGATION, STOCKWATER	18
FRANCIS, MARK	36-8371	7/20/1988	0.06	IRRIGATION, DOMESTIC	2
FRAZIER FAMILY TRUST DTD 6/19/80 4% UNDIVIDED INT; FRAZIER, JAMES F; FRAZIER, JEFFREY W; FRAZIER, JOE K; FRAZIER, JORDAN P	36-7745	8/15/1977	4.5	IRRIGATION	292
FRAZIER FAMILY TRUST DTD 6/19/80 4% UNDIVIDED INT; FRAZIER, JAMES F; FRAZIER, JEFFREY W; FRAZIER, JOE K; FRAZIER, JORDAN P	36-8049	12/21/1981	0.94	IRRIGATION	47
FREDERICKSEN, GENE D; FREDERICKSEN, JUDI K	36-7359	9/27/1973	2.18	IRRIGATION	143
FRENCH III, JAMES A; FRENCH, PATRICIA A	36-16404	11/14/1991	0.02	IRRIGATION, DOMESTIC	0.5
FRENCH JR, JAMES A; FRENCH, KARI D	36-16405	11/14/1991	0.03	IRRIGATION, STOCKWATER	1.5
FUNDERBURG, DENISE K; FUNDERBURG, GARY L	36-7357	8/26/1973	0.08	IRRIGATION, DOMESTIC	2
FUNK, DARRELL M	45-13657	1/1/1983	0.06	STOCKWATER	
FUNK, DARRELL M	45-4103	6/30/1985	1.6	IRRIGATION	305
FUNK, DARRELL M; FUNK, PATRICIA M	45-13910	8/19/1976	5.07	IRRIGATION	277
FUNK, DARRELL M; FUNK, PATRICIA M	45-13911	8/19/1976	0.64	STOCKWATER, COMMERCIAL	
FUNK, DARRELL M; FUNK, PATRICIA M	45-13917	6/8/1982	0.06	STOCKWATER, COMMERCIAL	
G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-14834	12/12/1979	0.04	DOMESTIC	

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G & G DAIRY; GILTNER, BILL; GRIFFITH, MIKE	36-8532	4/10/1990	0.18	STOCKWATER	
G & H DAIRY LLC	36-7409A	11/21/1973	2.19	IRRIGATION	268
G & H DAIRY LLC	36-7631A	6/23/1976	3.17	IRRIGATION	268
G & H DAIRY LLC	36-7847	3/28/1979	0.56	STOCKWATER, COMMERCIAL	
G & H DAIRY LLC	36-8396	10/20/1992	0.2	STOCKWATER, COMMERCIAL	
GALLEGOS, GEORGE	36-8201	5/31/1983	0.12	IRRIGATION, DOMESTIC	5.5
GALOW, MOLLY; GALOW, ROGER A	36-8448	9/28/1989	0.05	IRRIGATION	1.5
GARDNER TRUST	36-16841	3/13/1989	0.05	IRRIGATION	20
GARDNER TRUST	36-16847	7/13/1987	0.01	IRRIGATION	20
GARDNER TRUST	36-16855	4/6/1978	0.01	IRRIGATION	20
GARDNER TRUST	36-7479	7/8/1974	0.65	IRRIGATION	354
GARDNER TRUST	36-7588	1/12/1976	0.4	IRRIGATION	354
GARNER, BEVERLY; GARNER, GARY B	36-12043*	7/31/1987	0.25	IRRIGATION	308
GARNER, ELDON I; GARNER, MARIE	36-8195	9/1/1989	0.08	IRRIGATION, DOMESTIC	1.5
GARRARD, KATHLEEN; GARRARD, THOMAS E	45-12460A	6/30/1985	0.46	IRRIGATION	149
GARRARD, KATHLEEN; GARRARD, THOMAS E	45-12460B	6/30/1985	0.47	IRRIGATION	151
GBD LLC	36-8467	12/15/1989	0.12	COMMERCIAL	
GERMAN, DONALD H	36-7460X	3/25/1974	0.25	STOCKWATER, COMMERCIAL	
GIBBY, REED	45-13990	2/10/2006	0.09	DOMESTIC	
GILLETTE, CINDY; GILLETTE, RANDY	36-11412*	4/1/1984	0.84	IRRIGATION	1108
GILLETTE, CINDY; GILLETTE, RANDY	36-7435	1/25/1974	5.03	IRRIGATION	1108
GILLETTE, JERRY; GILLETTE, ROANNE	36-11413*	4/1/1984	0.13	IRRIGATION	274
GILLETTE, JERRY; GILLETTE, ROANNE	36-7626	6/3/1976	5.14	IRRIGATION	308
GILLETTE, PERRY	36-7542	5/7/1975	5.36	IRRIGATION	268
GILLEY, KAREN; GILLEY, PHILLIP N	36-8018	11/12/1981	0.06	IRRIGATION, COMMERCIAL, DOMESTIC	0.5
GILTNER, HOLLY L; GILTNER, SCOTT R; MCCOY, LUKE; MCCOY, TANI; PITTOCK, BRIAN M; PITTOCK, SANDY L	36-14988	12/31/1983	0.07	STOCKWATER, COMMERCIAL, DOMESTIC	
GILTNER, HOLLY L; GILTNER, SCOTT R; MCCOY, LUKE; MCCOY, TANI; PITTOCK, BRIAN M; PITTOCK, SANDY L	36-7460AG	3/25/1974	0.18	STOCKWATER, COMMERCIAL	
GLANBIA FOODS	36-16217	5/16/1980	0.96	MITIGATION	
GLANBIA FOODS	36-16219*	5/26/1971	0.33	MITIGATION	
GLANBIA FOODS INC	37-21136	7/24/2003	8	IRRIGATION	1422.7
GLANBIA FOODS INC	37-7380A	9/5/1974	3.03	IRRIGATION	983.7
GLANBIA FOODS INC	37-7380C	9/5/1974	4.38	IRRIGATION	983.7
GLANBIA FOODS INC	37-7576	3/29/1977	2.5	IRRIGATION	983.7
GLANBIA FOODS INC	37-7677	9/15/1977	2	IRRIGATION	622
GLANBIA FOODS INC	37-8903	9/17/1999	1.67	COMMERCIAL	
GLEN CAPPS INC	36-8176	3/31/1983	0.04	COMMERCIAL, DOMESTIC	
GLENN WARD DAIRY LLC; WARD LAND & LIVESTOCK LLC	45-7733	8/27/1979	0.33	STOCKWATER, COMMERCIAL	
GLOBAL AG PROPERTIES USA LLC	36-15165*	3/15/1970	2.2	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-16421	12/30/1983	0.13	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-16425*	5/1/1976	0.15	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-4200*	3/15/1974	0.84	IRRIGATION	2785
GLOBAL AG PROPERTIES USA LLC	36-8403	11/28/1988	0.31	IRRIGATION	2785
GOCHNOUR, JIM W; GOCHNOUR, MARILYN A	45-7461	2/5/1981	0.73	IRRIGATION	36.5

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GOEDHART, HUGO C; GOEDHART, MARY	36-7460AD	3/25/1974	0.06	STOCKWATER, COMMERCIAL	
GOEDHART, HUGO; GOEDHART, MARY	36-8774	3/10/1998	0.13	STOCKWATER, DOMESTIC	
GOLDEN ACRES LLC	37-7458B	10/14/1975	1.23	IRRIGATION	142.5
GOLDEN RAIL MOBILE HOME COURT	45-7458	12/16/1980	0.22	IRRIGATION, DOMESTIC	8.1
GOOCH, BEATRICE; GOOCH, ELLIS	37-8839	11/22/1994	0.06	STOCKWATER	
GOTT, MIKE	36-8534	4/27/1990	0.1	IRRIGATION, DOMESTIC	2.5
GRANT 4 D FARMS	36-16130	11/8/1973	0.05	IRRIGATION	264
GRANT 4 D FARMS	36-2194	9/10/1984	3.18	IRRIGATION	264
GRANT 4 D FARMS	36-7850C	3/30/1979	0.39	IRRIGATION	290
GRANT 4 D FARMS	36-8106C	8/10/1982	1.26	IRRIGATION	290
GRANT 4 D FARMS	36-8187	5/27/1983	1.4	IRRIGATION	310
GRANT 4 D FARMS; RLDR FARM LLC	36-7850D	3/30/1979	0.04	IRRIGATION	591
GRANT 4 D FARMS; RLDR FARM LLC	36-8106D	8/10/1982	0.13	IRRIGATION	591
GRANT JR, ROBERT	36-7516	12/13/1974	5.35	IRRIGATION	420
GRANT, DUANE R; GRANT, LAURA A	36-16549	4/21/1989	0.16	IRRIGATION	16.1
GRANT, DUANE R; GRANT, LAURA A	36-16800	4/21/1989	1.23	IRRIGATION	126.7
GRANT, DUANE R; GRANT, LAURA A	36-16801	4/21/1989	0.07	IRRIGATION	305
GRANT, DUANE R; GRANT, LAURA A	36-7932	8/14/1980	0.8	IRRIGATION	40
GRAVES, FRANCES M; GRAVES, RICHARD L	37-7371	7/31/1974	6.49	IRRIGATION, STOCKWATER, DOMESTIC	320
GREAVES, ALAN; GREAVES, COLLEEN	36-8479	11/13/1989	0.04	IRRIGATION	1.5
GREEN, DONALD L; GREEN, MARY S	37-7621G	6/7/1977	0.59	IRRIGATION	30
GREENE, DOUGLAS E; GREENE, GLORIA V	36-8438	7/24/1989	0.09	IRRIGATION	4.5
GREENER, BARNEY; GREENER, SHERRIE	45-14352	6/20/2011	0.02	HEATING, COOLING	
GUILLORY, CAMERON; GUILLORY, IDA	36-7382	9/20/1973	0.1	IRRIGATION, DOMESTIC	5
GULICK, LARRY	36-8507	2/1/1990	0.06	STOCKWATER, COMMERCIAL	
GULLEY, JUDY L; GULLEY, WILLIAM F	36-7425	12/28/1973	0.8	IRRIGATION	130
GULLEY, JUDY L; GULLEY, WILLIAM F	36-8789	3/23/1999	0.39	IRRIGATION	12
GUNNING, F F; GUNNING, G C	36-8063A	2/16/1982	2.14	IRRIGATION	329
GZMAC LLC	36-7431	1/18/1974	0.54	IRRIGATION	122
HAAGSMA FAMILY TRUST	36-7337B	11/25/1977	1.34	IRRIGATION	138
HAAGSMA FAMILY TRUST	36-8345	4/9/2001	0.08	STOCKWATER, COMMERCIAL	
HANCHETT, AUREL K; HANCHETT, PHYLLIS	36-15355*	3/23/1971	0.4	IRRIGATION	139
HANDY TRUCK LINES INC	36-8510	2/14/1990	0.04	COMMERCIAL	
HANEY SEED CO	36-8416	3/30/1989	0.04	COMMERCIAL	
HANEY SEED CO	45-7639	3/30/1989	0.04	COMMERCIAL	
HANSEN QUALITY JERSEYS LLC	36-16760*	9/23/1967	0.37	IRRIGATION	263
HANSEN QUALITY JERSEYS LLC	36-16761*	9/23/1967	0.03	STOCKWATER, COMMERCIAL	
HANSEN, CREG; HANSEN, LETA	37-7621F	6/7/1977	2.53	IRRIGATION	129
HANSEN, GARY L	36-11508*	3/15/1978	0.31	IRRIGATION	110
HARDY PROPERTIES L P	36-7510	11/7/1974	1.1	IRRIGATION	55
HARMS, BOYD L	36-16904	8/21/1973	0.08	IRRIGATION	3.9
HARPER, CLINT; HARPER, KEVIN; HARPER, LAYNE R	36-7960A	1/26/1981	0.9	IRRIGATION	1194
HARPER, CLINT; HARPER, KEVIN; HARPER, LAYNE R	36-7960B	1/26/1981	0.9	IRRIGATION	1194
HARPER, CLINT; HARPER, LAYNE R	36-7412	11/30/1973	4.01	IRRIGATION	460
HARTLEY, DOUGLAS D; HARTLEY, RENEAN	36-7529E	3/28/1975	0.42	IRRIGATION	312
HARTWELL, JANET L; HARTWELL, JIMMY	45-14437	10/30/1980	0.01	IRRIGATION	0.6
HATFIELD DAIRY LLC	37-21628	9/25/1979	0.11	STOCKWATER, DOMESTIC	

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HAWKER, FRED	45-7339A	2/2/1978	2.3	IRRIGATION	154
HAYDEN, DONALD D; HAYDEN, SHARON	36-8470	9/12/1989	0.08	IRRIGATION	2.5
HEIDA, MARY JANE; HEIDA, THOMAS	36-7597A	1/13/1976	0.7	IRRIGATION	114
HEIDA, MARY JANE; HEIDA, THOMAS	36-7597B	1/13/1976	1.18	IRRIGATION	79
HEIDA, MARY JANE; HEIDA, THOMAS	36-7610	2/27/1976	2.4	IRRIGATION	120
HEIDA, MARY JANE; HEIDA, THOMAS	36-7682	2/14/1977	1.24	IRRIGATION	78
HEIDA, MARY JANE; HEIDA, THOMAS	36-8276	6/6/1985	0.14	IRRIGATION	121
HENRY FARMS	36-15163*	5/1/1981	0.66	IRRIGATION	286
HENRY FARMS	36-7698	4/22/1977	2.36	IRRIGATION	160
HENRY FARMS	36-8568	11/7/1990	0.79	IRRIGATION	240
HENRY, AUDREY; HENRY, ROBERT P	36-14844*	3/15/1983	0.25	IRRIGATION	94
HEPWORTH FAMILY LANDHOLDINGS LLC	45-14245	6/30/1985	4.27	IRRIGATION	1887
HEPWORTH FAMILY LANDHOLDINGS LLC	45-7330	11/30/1977	4	IRRIGATION	601
HEPWORTH, BONNIE B; HEPWORTH, WILLIAM M	45-7160	12/13/1973	3.11	IRRIGATION	229
HEPWORTH, BONNIE B; HEPWORTH, WILLIAM M	45-7187	9/16/1974	0.36	IRRIGATION, STOCKWATER	229
HERNANDO, EDWARD O; HERNANDO, TERESA C	36-16493	8/25/1977	0.11	IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, STOCKWATER, DIVERSION TO STORAGE	2.5
HEWARD LANDS LTD	45-7668	11/7/1989	0.5	IRRIGATION	25
HEWARD, DORA W; HEWARD, GERALD B	45-13564	10/12/1973	1.53	IRRIGATION	185.4
HEWARD, DORA W; HEWARD, GERALD B	45-7166A	2/3/1974	1.53	IRRIGATION	185.4
HIDDEN VALLEY LAND CO LLC	36-10174*	3/15/1968	0.74	IRRIGATION	377
HIDDEN VALLEY LAND CO LLC	36-8528	3/16/1990	0.6	IRRIGATION	421.5
HILT, ARIE; HILT, CECIL; HILT, HENRIETTA	36-8265	3/7/1985	0.15	STOCKWATER, COMMERCIAL	
HILT, DARYL; HILT, ELAINE	37-8055	10/28/1982	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
HIRAI, GREGORY; HIRAI, JENNIFER	36-7793	6/1/1978	2.26	IRRIGATION	144
HIRAI, GREGORY; HIRAI, JENNIFER	36-7946	1/8/1981	0.05	STOCKWATER, COMMERCIAL	
HIRAI, JACK J; MATTHEWS, J W	36-8585	8/11/1988	0.22	IRRIGATION	171
HOBSON, DAVID MARK	45-14434	3/13/1976	0.2	IRRIGATION	84.5
HOBSON, DAVID MARK	45-14435*	3/15/1976	0.21	IRRIGATION	84.5
HOLT, RONALD; HOLT, SHARON	36-7876	10/26/1979	0.88	IRRIGATION	48
HOLTON, RONALD	36-12588*	3/1/1974	0.44	IRRIGATION	147
HOLTZEN FARMS INC	36-8603	6/14/1991	0.14	STOCKWATER	
HONDO FARMS	45-13602	6/30/1985	2.87	IRRIGATION	737.4
HONDO FARMS	45-7465A	4/15/1981	1.91	IRRIGATION	737.4
HOOPER, CYNTHIA ANN; HOOPER, LAURA KAY; HOOPER, TIMOTHY E	37-7279	9/13/1973	1.23	IRRIGATION, STOCKWATER	74
HRUZA, EUGENE	36-8290	6/24/1985	1.88	IRRIGATION	277
HRUZA, RONALD L	36-7878	10/30/1979	1.43	IRRIGATION	76
HUBSMITH, IRIS B; HUBSMITH, LOUIS L	37-8093	3/17/1984	0.08	STOCKWATER, COMMERCIAL	
HUETTIG, ELLEN M; HUETTIG, MYRON A	36-7639	8/24/1976	1.45	IRRIGATION	511
HUETTIG, ELLEN M; HUETTIG, MYRON A	36-8147	3/1/1983	1.6	IRRIGATION	511
HULTS, JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-16203	8/21/1973	2.6	IRRIGATION	387.5
HULTS, JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-16902	8/21/1973	0.73	IRRIGATION	387.5
HULTS, JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-16903	8/21/1973	3.11	IRRIGATION	307.6
HULTS, JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-7817	10/14/1978	1.1	IRRIGATION	307.6

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HULTS, JOSEPH; HULTS, DAVID; HULTS, KAY A; HULTS, NICOLE	36-7877	12/21/1979	0.83	IRRIGATION	307.6
HULTS, JOSEPH; HULTS, KAY A	36-16399	8/24/1973	0.01	IRRIGATION	9
HULTS, JOSEPH; HULTS, KAY A	36-10547*	4/1/1980	0.25	IRRIGATION	154
HULTS, JOSEPH; HULTS, KAY A	36-16400	8/24/1973	0.01	IRRIGATION	142
HULTS, JOSEPH; HULTS, KAY A	36-8200	5/26/1983	0.28	IRRIGATION	154
HUNT, DUANE W; HUNT, MARGARET	36-11079*	3/15/1973	0.05	IRRIGATION	163
HURTADO, GRICELDA; HURTADO, JESUS	36-7508B	11/5/1974	2.42	IRRIGATION	132
HURTADO, GRICELDA; HURTADO, JESUS	36-8736	5/19/1992	0.52	STOCKWATER, COMMERCIAL	
HUTCHISON, W JAY	45-7158	11/13/1973	1.4	IRRIGATION	70
IDA GOLD FARMS GENERAL PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	45-7680	10/15/1990	1.22	STOCKWATER, COMMERCIAL	
IDA GOLD FARMS GENERAL PARTNERSHIP; NORTHWEST FARM CREDIT SERVICES FLCA	45-7684	12/11/1990	0.14	STOCKWATER, DOMESTIC	
IDAHO ACRES DAIRY	36-11110*	3/15/1968	1	IRRIGATION	408
IDAHO ACRES DAIRY	36-8412	3/1/1989	0.95	IRRIGATION	408
IDAHO AG INC	36-7493	8/8/1974	3.84	IRRIGATION	974
IDAHO AG INC	36-7883A	1/15/1980	5.64	IRRIGATION	678
IDAHO FRESH PAK INC	36-15553*	3/15/1974	0.06	COMMERCIAL	
IDAHO FRESH PAK INC	36-8456	9/21/1989	0.27	COMMERCIAL	
IDAHO POWER CO	36-8761	1/23/1997	0.11	DOMESTIC	
IDAHO POWER CO	37-8484	1/17/1989	0.02	COMMERCIAL	
IDAHO WATER CO LLC	36-16537	5/16/1980	0.05	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	36-16540*	5/26/1971	0.02	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	36-16629	5/16/1980	0.04	MITIGATION	
IDAHO WATER CO LLC	36-16766	9/12/1973	0.11	IRRIGATION	160
IDAHO WATER CO LLC	36-16878*	10/31/1986	0.02	IRRIGATION	4
IDAHO WATER CO LLC	36-16879	1/27/1976	0.06	IRRIGATION	4
IDAHO WATER CO LLC	36-16909	9/12/1973	0.06	IRRIGATION	485
IDAHO WATER CO LLC	36-16911	9/12/1973	0.1	IRRIGATION	485
IDAHO WATER CO LLC	37-22446	9/12/1973	0.1	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	37-22452	9/12/1973	0.12	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	45-13988	5/16/1980	0.03	STOCKWATER, COMMERCIAL	
IDAHO WATER CO LLC	45-13989*	5/26/1971	0.01	STOCKWATER, COMMERCIAL	
IDAHO WATER RESOURCE BOARD	36-8094	6/28/1982	7	POWER	
IDAHO YOUTH RANCH INC	36-8256	12/6/1984	0.55	IRRIGATION, STOCKWATER, DOMESTIC	58.9
INFANGER, DEBRA A; INFANGER, JOHN N	37-20800	9/10/2002	0.12	DOMESTIC	
INTERSTATE MFG	36-8454	9/14/1989	0.04	COMMERCIAL	
J D HEISKELL HOLDINGS LLC	37-22665	9/12/1973	0.02	COMMERCIAL	
J D HEISKELL HOLDINGS LLC	37-22666	9/12/1973	0.02	COMMERCIAL	
J D HEISKELL HOLDINGS LLC	37-7380D	9/5/1974	0.05	COMMERCIAL	
J R SIMPLOT CO	36-7636	7/27/1976	0.49	INDUSTRIAL	
J R SIMPLOT CO	36-8469	10/12/1989	0.28	IRRIGATION	16
J R SIMPLOT CO	36-8471	10/4/1989	0.18	COMMERCIAL	
JACKSON FARMS INC	45-4241A*	8/20/1976	0.3	IRRIGATION	294
JACKSON, IRIS; JACKSON, MICHAEL	45-7353A	8/9/1978	0.02	IRRIGATION, DOMESTIC	1.4
JACKSON, JAMES EARL	36-8605	5/23/1991	0.04	IRRIGATION	1.4
JACKSON, LAVAR R; VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-8101	7/13/1982	0.8	IRRIGATION	40
JADE INVESTMENTS LTD PARTNERSHIP	45-7232E	3/13/1975	1.36	IRRIGATION	68

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JANSS FARMS	36-16705	3/25/1974	5.72	IRRIGATION	321
JANSS FARMS	37-7351	4/12/1974	0.14	STOCKWATER	
JAROLIMEK, LEROY; JAROLIMEK, PEGGY	45-11196*	3/15/1968	2.04	IRRIGATION	884
JAROLIMEK, LEROY; JAROLIMEK, PEGGY	45-14403	6/30/1985	0.3	IRRIGATION, MITIGATION	1035.5
JENTZSCH KEARL FARMS	36-16420	12/30/1983	1.95	IRRIGATION	995
JENTZSCH KEARL FARMS	36-16424*	5/1/1976	0.85	IRRIGATION	995
JENTZSCH KEARL FARMS	36-16773	3/13/1989	4.93	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16779*	7/13/1987	1.3	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16787	4/6/1978	0.63	IRRIGATION	2508.5
JENTZSCH KEARL FARMS	36-16925	7/25/1987	0.03	COMMERCIAL	
JENTZSCH KEARL FARMS	36-16980	7/25/1987	0.29	IRRIGATION	995
JENTZSCH KEARL FARMS	36-8622	12/4/1991	0.02	COMMERCIAL	
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-15536*	4/1/1964	3.44	IRRIGATION	1201
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-16554	3/21/1989	0.34	IRRIGATION	1201
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-16622	7/3/1974	2.95	IRRIGATION	172
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S	36-16827	9/13/1984	0.1	IRRIGATION	15.3
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S; KEARL, JOSEPH; KEARL, MELYNDA	36-16826	9/13/1984	2.34	IRRIGATION	1257
JENTZSCH, RODNEY A; JENTZSCH, SHIRLEY S; KEARL, JOSEPH; KEARL, MELYNDA	36-16924	7/25/1987	2.74	IRRIGATION	1257
JEROME CHEESE CO	36-16380	9/12/1973	0.11	MITIGATION	
JEROME CHEESE CO	36-7337F	11/25/1977	0.66	COMMERCIAL	
JEROME COUNTRY CLUB INC	36-8344	2/12/1988	0.41	IRRIGATION	104
JEROME COUNTY ROD & GUN CLUB	36-8620	11/14/1991	0.02	IRRIGATION, COMMERCIAL	0.5
JEROME RECREATION DISTRICT	36-7525	3/20/1975	0.2	DOMESTIC, RECREATION	
JEROME SCHOOL DISTRICT #261	36-16440	8/31/2006	1.07	HEATING	
JEROME SCHOOL DISTRICT #261	36-16441	8/31/2006	0.45	HEATING	
JEROME SCHOOL DISTRICT #261	36-16898	6/8/2011	1.1	HEATING, COOLING	
JESSE, LYDIA MARIA; JESSE, ROBERT LEE	36-8447	10/10/1989	0.12	IRRIGATION	6
JOHN A STEVENSON & ELAINE G STEVENSON TRUST	36-16872	3/28/1975	0.01	IRRIGATION	3.2
JOHN A STEVENSON & ELAINE G STEVENSON TRUST	36-16873	3/28/1975	0.01	IRRIGATION	3.2
JOHN A STEVENSON & ELAINE G STEVENSON TRUST	36-7529G	3/28/1975	2.18	IRRIGATION	946
JOHN R SEYMOUR & EVELYN LOIS SEYMOUR FAMILY TRUST	45-13542*	3/15/1976	1.28	IRRIGATION	479
JOHN, GLORIA; JOHN, KIT M	37-8346	6/21/1988	0.03	COMMERCIAL	
JOHNSON JR, ELMER F; JOHNSON, JUDY	36-7462	4/3/1974	0.89	IRRIGATION	80
JOHNSON, BECKY; JOHNSON, CHARLES; NELSON, JACK; NELSON, KATHY	37-21644	2/2/2006	0.12	DOMESTIC	
JOHNSON, JODIE; JOHNSON, MITCH	36-7929	8/4/1980	0.06	IRRIGATION, DOMESTIC	1
JOHNSON, WALTER B	45-7632	3/27/1996	1.13	IRRIGATION	79
JONES, RONALD S ; JONES, TAMMY	36-8056A	1/21/1982	4.79	IRRIGATION	312
JONES, RONALD S ; JONES, TAMMY	36-8110A	8/19/1982	0.8	IRRIGATION	312
JOSEF & RITA EHRLER TRUST	45-7377	5/26/1979	0.15	IRRIGATION	12
JOUGLARD SHEEP CO INC	36-8462	10/11/1989	0.16	STOCKWATER, DOMESTIC	

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JUDD, ALENE L; JUDD, GLENN C	45-7536	6/9/1983	0.02	COMMERCIAL, DOMESTIC	
JURGENSMEIER, RALPH	36-7616	3/4/1976	0.22	IRRIGATION	11
K & W DAIRY	36-10225D	5/1/1985	0.06	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-10225K*	5/1/1985	0.58	IRRIGATION	1064.7
K & W DAIRY	36-7477D	5/28/1974	0.06	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7477K	5/28/1974	0.66	IRRIGATION	1064.7
K & W DAIRY	36-7606D	2/4/1976	0.06	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7606K	2/4/1976	0.61	IRRIGATION	1064.7
K & W DAIRY	36-7779D	2/22/1978	0.19	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7779K	2/22/1978	1.93	IRRIGATION	1064.7
K & W DAIRY	36-7832D	12/11/1978	0.02	STOCKWATER, COMMERCIAL	
K & W DAIRY	36-7832K	12/11/1978	0.16	IRRIGATION	1064.7
K & W DAIRY	36-8175	4/1/1984	0.17	STOCKWATER, COMMERCIAL	
K L BLACK TRUST	36-7726	6/23/1977	4	IRRIGATION	261
KEARL, JOSEPH; KEARL, MELYNDA	36-16553	3/21/1989	0.48	IRRIGATION	160
KEARL, JOSEPH; KEARL, MELYNDA	36-8205	6/15/1983	0.6	IRRIGATION	30
KEARL, JOSEPH; KEARL, MELYNDA	36-8595	7/10/1991	0.11	IRRIGATION	5.3
KEARL, JOSEPH; KEARL, MELYNDA	36-8624	12/10/1991	0.21	IRRIGATION	160
KENNEDY, BRENDA; KENNEDY, TRACY S	36-7471	5/3/1974	0.08	IRRIGATION, STOCKWATER	10
KENT SEARLE FAMILY TRUST	45-7317	7/11/1977	3.35	IRRIGATION	4389
KERBS OIL CO INC	45-7643	5/19/1989	0.04	COMMERCIAL	
KERBS OIL CO INC	45-7644	5/22/1989	0.04	COMMERCIAL	
KERBS, WILLIAM	36-16688	5/22/1974	1.52	IRRIGATION	113
KERNER, HERSHEL	37-8361	6/16/1988	0.03	COMMERCIAL	
KING, CORY; KING, VICKY	36-16971	1/4/2013	0.12	HEATING, COOLING, DOMESTIC	
KING, FERRIL; KING, RENE	36-8440	9/7/1989	0.02	COMMERCIAL	
KIRCHER, JAMES; KIRCHER, RACHEL	45-7511	8/27/1982	0.07	IRRIGATION, DOMESTIC	1.1
KLOSTERMAN, KENT L	36-7974	3/25/1981	2.6	IRRIGATION	201
KLOSTERMAN, KENT L	36-8432	6/22/1989	4.01	IRRIGATION	277
KOCH AGRI SERVICE	36-8476	11/6/1989	0.01	COMMERCIAL	
KOCH AGRI SERVICE	36-8477	11/6/1989	0.06	COMMERCIAL	
KOCH, DENISE K; KOCH, MITCHELL L	37-7755	12/4/1978	0.04	IRRIGATION, DOMESTIC	2
KORB, LONNIE; KORB, LOVENIA	45-7689	2/22/1991	0.14	IRRIGATION	7
KULHANEK, DENNIS; KULHANEK, MAXINE	36-8503	2/21/1990	0.04	IRRIGATION	2
KUNSMAN, SHIRLEY	36-8249	7/12/1984	0.09	IRRIGATION, DOMESTIC	2.5
KUNSMAN, SHIRLEY	36-8306	2/26/1986	0.08	IRRIGATION	2.5
L & S LAND HOLDINGS LLC	36-7539	6/10/1975	7.6	IRRIGATION	449.3
L M DAIRY	36-8224	6/29/1983	0.17	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	2
LAKE MEAD ENTERPRISES	45-7439B	2/29/1980	3.92	IRRIGATION	921.3
LAMBERT PRODUCE CO INC	45-13470	6/30/1985	0.1	IRRIGATION	186
LAMBERT PRODUCE CO INC	45-13777	6/30/1985	11.22	IRRIGATION	4983
LAMBERT PRODUCE INC	45-4041	6/30/1985	0.5	IRRIGATION	749
LAMBERT PRODUCE INC	45-7439A	2/29/1980	1.46	IRRIGATION	118.8
LANIER, BLANCHE; LANIER, MELVIN	36-8501	2/21/1990	0.07	IRRIGATION, DOMESTIC	1.5
LAZY P FARMS; PAULS, DEBBRAH; PAULS, EMIL V; PAULS, RONALD	37-8147	6/27/1983	0.04	IRRIGATION, STOCKWATER, DOMESTIC	1.8
LCSC ENTERPRISES LLC	45-13776	6/30/1985	1.81	IRRIGATION	449
LCSC ENTERPRISES LLC	45-7189	9/16/1974	3.53	IRRIGATION	476
LCSC ENTERPRISES LLC	45-7277	10/4/1976	1.11	IRRIGATION	476
LEAVELL, ALONZO B	37-22164	9/20/1974	0.05	IRRIGATION	4.1
LEAVELL, ALONZO B	37-22165	9/20/1974	0.05	IRRIGATION	2
LEAVELL, ALONZO B	37-22166	9/20/1974	0.3	IRRIGATION	21.6

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LEAVELL, ALONZO B	37-22167	9/20/1974	0.4	IRRIGATION	31
LEDBETTER, GREG; LEDBETTER, JANE F	36-16186	10/28/1977	0.75	IRRIGATION	154
LEDBETTER, JANE F; MILLER, TED	36-8223	3/11/1984	0.62	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	5
LEDERER, PAUL H; LEDERER, SHARON	36-7592	1/6/1976	2.44	IRRIGATION	178
LEDERER, PAUL H; LEDERER, SHARON	36-7939A	11/29/1980	0.84	IRRIGATION	69.5
LEDERER, PAUL H; LEDERER, SHARON	36-7939B	11/29/1980	0.05	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	0.5
LEE, MARTIN R	36-8410	2/10/1989	0.03	COMMERCIAL	
LEED CORP	37-21952	10/11/2006	0.44	DOMESTIC	
LG GILLETTE INVESTMENTS LC	37-8742	3/28/1991	4.21	IRRIGATION	995.5
LIND, ELDEN; LIND, MELBA JEAN	36-8583	2/22/1991	3.99	IRRIGATION	238.9
LITTLE SKY FARMS	37-7480	2/24/1977	9.83	IRRIGATION	844.4
LLOYD, JANICE	36-8580	2/19/1991	0.7	IRRIGATION	35
LONG VIEW DAIRY	36-16185	6/30/1983	2.03	IRRIGATION	131
LONG VIEW DAIRY	36-8061	2/9/1982	0.2	STOCKWATER, COMMERCIAL	
LUND, JEFFREY A	36-15211*	1/30/1970	0.33	IRRIGATION	75
LUND, JEFFREY A	36-8649	1/25/1978	1.47	IRRIGATION	73.5
LUXTON, JORDAN; LUXTON, MARJORIE	36-8078	4/14/1982	0.02	DOMESTIC, FIRE PROTECTION	
MAGIC VALLEY GROWERS LTD	37-7591	5/30/1979	5.21	IRRIGATION	260.4
MAGIC VIEW CALVES LLC	37-21144	1/7/1974	0.17	IRRIGATION, MITIGATION	4
MAHLER, ALPHA; MAHLER, EDWIN	36-8442	9/14/1989	0.03	IRRIGATION	1
MALAD ESTATES WATER USERS	37-8892	6/28/2000	0.2	DOMESTIC	
MART PRODUCE CORP	36-8457	9/20/1989	0.16	COMMERCIAL	
MART PRODUCE CORP	36-8458	9/20/1989	0.01	COMMERCIAL	
MC CABE, LINDA JOY; MC CABE, ROBERT	37-20747*	4/1/1978	0.56	IRRIGATION	300
MC CAIN FOODS USA INC	45-7241	5/27/1975	0.25	COMMERCIAL, FIRE PROTECTION	
MC CAUGHEY, MARGARET; MC CAUGHEY, WALTER L	36-7438	1/31/1974	2	IRRIGATION	100
MC CAUGHEY, MARGARET; MC CAUGHEY, WALTER L	36-8579	2/8/1991	0.68	IRRIGATION	52
MC CLELLAN, TOM	45-7533	4/26/1983	0.09	IRRIGATION	3
MC CLYMONDS, MICHAEL J	36-7873	9/27/1979	0.08	IRRIGATION, DOMESTIC	4.5
MC DONALD, FRANK F	36-8516	3/2/1990	0.11	IRRIGATION, DOMESTIC	3
MC KAY, BRYAN; MC KAY, SHAWNA	36-7456A	3/20/1974	2.1	IRRIGATION, STOCKWATER	182
MC KAY, BRYAN; MC KAY, SHAWNA	36-7456B	3/20/1974	0.89	IRRIGATION	77.5
MC KEAN, EDWARD; MC KEAN, LYNETTE	36-8186	5/17/1983	0.04	COMMERCIAL, DOMESTIC	
MC KNIGHT, SPARR	37-22201	7/5/2007	0.04	DOMESTIC	
MC MANUS, JANINE B; MC MANUS, WILLIAM D	36-8226	7/23/1983	0.74	IRRIGATION	37
MC MANUS, JANINE B; MC MANUS, WILLIAM D	36-8288	7/21/1985	0.58	IRRIGATION	29
MC MANUS, JANINE B; MC MANUS, WILLIAM D	45-7548	7/3/1983	1.44	IRRIGATION	103.8
MC MANUS, WILLIAM D	45-7264	3/23/1976	3.78	IRRIGATION	189
MC MINN, DALE M	36-16109	11/19/1979	0.06	IRRIGATION, DOMESTIC	2
MC REITS LLC	36-8382	8/16/1988	0.67	STOCKWATER, COMMERCIAL, DOMESTIC	
MEEKS FAMILY LTD PARTNERSHIP	36-7684	3/2/1977	1.41	IRRIGATION	180
MEEKS, DIANE SAWYER; MEEKS, JAMES D	36-7336	8/8/1986	0.88	IRRIGATION	87
MENDOZA, BERTHA; MENDOZA,	45-14343	12/29/1989	0.07	IRRIGATION	3.3

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MENSINGER, PAUL; VOGT, EVELYN	36-16136	11/25/1977	0.36	IRRIGATION	18
MERENZ, MAX H	36-7396	10/29/1973	0.15	IRRIGATION, DOMESTIC	5.5
MESSNER, ROBERT; MESSNER, SHIRLENE	36-16547	9/12/1973	1.6	IRRIGATION	160
METZ, JOHN B	36-16492	8/25/1977	0.11	IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, STOCKWATER, DIVERSION TO STORAGE	5
MEYERS, KATHI L; MEYERS, ROBERT J	36-7459	3/20/1974	2.45	IRRIGATION	160
MEYERS, KATHI L; MEYERS, ROBERT J	37-7611	5/23/1977	2.18	IRRIGATION, STOCKWATER	112
MEYERS, ROBERT J	36-7854	2/16/1990	2.71	IRRIGATION	142
MEYERS, ROBERT J	37-8801	10/20/1992	0.1	DOMESTIC	
MILLENKAMP PROPERTIES	36-16927	11/26/1974	1.06	IRRIGATION	217.8
MILLENKAMP PROPERTIES LLC	36-16914	4/24/1990	0.06	IRRIGATION	3
MILLENKAMP PROPERTIES LLC	36-16915	4/24/1990	1.36	STOCKWATER, COMMERCIAL	
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	36-16916	4/24/1990	0.88	IRRIGATION	217.8
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	36-16926	11/26/1974	1.18	IRRIGATION	79
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	45-11912*	11/6/1981	0.71	IRRIGATION	277
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	45-7290	7/26/1977	3.78	IRRIGATION	189
MILLENKAMP, SUSAN; MILLENKAMP, WILLIAM J	45-7331	10/12/1978	4.7	IRRIGATION	277
MILLER, CARLEEN; MILLER, GERALD	36-8232	9/27/1983	0.09	IRRIGATION, COMMERCIAL, DOMESTIC	1
MILLER, CARLEEN; MILLER, GERALD	36-8233	12/17/1991	0.06	HEATING, RECREATION	
MILLER, DIANE M; MILLER, GUS E	37-8373	8/10/1988	0.04	IRRIGATION, STOCKWATER, DOMESTIC	2
MILLER, GARY W; MILLER, TERESA S	37-7491	6/8/1976	0.06	IRRIGATION, DOMESTIC	2
MILLER, JOLENE R; MILLER, TERRY D	36-7823A	9/8/1978	1.31	IRRIGATION	331
MILLER, JOLENE R; MILLER, TERRY D	36-7823B	9/8/1978	0.23	IRRIGATION	130
MILLER, KALVIN W; MILLER, PAMELLA K	36-12953*	3/9/1979	1.25	IRRIGATION	320
MILLERCOORS LLC	45-7641	6/8/1989	0.04	COMMERCIAL	
MINIDOKA COUNTY FIRE PROTECTION DISTRICT	36-16364	8/15/2005	0.04	DOMESTIC, FIRE PROTECTION	
MINIDOKA FARMS LLC	36-7403	11/8/1973	1.35	IRRIGATION	632
MINIDOKA FARMS LLC	36-8133	12/31/1982	0.21	IRRIGATION	632
MINIDOKA LUMBER CO	36-12643*	3/15/1973	1.7	IRRIGATION	793
MINIDOKA LUMBER CO	36-16208	10/29/1973	0.16	COMMERCIAL	
MINIDOKA LUMBER CO	36-16209	10/29/1973	4.36	IRRIGATION	634
MINIDOKA LUMBER CO	36-8493	12/19/1989	2.7	IRRIGATION	793
MIPAD LTD PARTNERSHIP	36-8538	6/1/1990	0.27	STOCKWATER, COMMERCIAL	
MIPAD LTD PARTNERSHIP	37-8867	11/25/1977	0.14	STOCKWATER, COMMERCIAL	
MIRKIN, JON F; MIRKIN, SHANNAN R	36-16634	4/8/1975	0.09	COMMERCIAL	
MITCHELL, DELL N; MITCHELL, LYNN N	45-14334	10/20/1980	0.31	IRRIGATION	23.8
MITCHELL, DELL N; MITCHELL, LYNN N	45-14336	2/14/1991	0.11	IRRIGATION	7
MITCHELL, DELL N; MITCHELL, SUSAN L	45-7454	10/20/1980	1.32	IRRIGATION	102.6
MITCHELL, DELL N; MITCHELL, SUSAN L	45-7688	2/14/1991	0.56	IRRIGATION	35.6
MITCHELL, JAN R; MITCHELL, LYNN N	45-14333	10/20/1980	0.17	IRRIGATION	13.6
MITCHELL, JAN R; MITCHELL, LYNN N	45-14335	2/14/1991	0.15	IRRIGATION	9.4
MITCHELL, RALPH M	45-7640	5/23/1989	0.07	IRRIGATION, DOMESTIC	1.5

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MOLYNEUX, CLYDE L; MOLYNEUX, TERESA L	37-8065	1/14/1983	0.09	IRRIGATION, DOMESTIC	1.5
MONSON, LEO DEAN	36-16205	4/14/1983	0.09	IRRIGATION	7
MONTGOMERY, DARLENE M; MONTGOMERY, LLOYD J	36-12464*	5/1/1981	0.11	IRRIGATION	76.2
MOO VIEW COW PALACE	45-13905	11/16/1974	0.3	STOCKWATER, COMMERCIAL	
MOOSMAN, MARK C; MOOSMAN, SHANILLE H	45-11635	6/26/1978	0.04	DOMESTIC	
MORGAN, CODY G; MORGAN, KATHY J	36-16094	3/10/1992	0.03	STOCKWATER	
MORGAN, CODY G; MORGAN, KATHY J	36-16407	3/10/1992	1.53	IRRIGATION	390.5
MORGAN, CODY G; MORGAN, KATHY J	36-16408	3/10/1992	0.08	STOCKWATER, COMMERCIAL	
MORRIS, AUDREY; MORRIS, HOWARD L; MORRIS, JEREMY; MORRIS, RHONDA K	37-20838	2/6/1974	1.15	IRRIGATION	376
MORRIS, AUDREY; MORRIS, HOWARD L; MORRIS, JEREMY; MORRIS, RHONDA K	37-8500	2/22/1989	0.09	IRRIGATION	3
MORRIS, HOWARD L; MORRIS, RHONDA	36-7367M	8/13/1973	3.52	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA	36-7381M	9/19/1973	0.59	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA	36-7445M	2/21/1974	1.03	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA	36-7480N	5/31/1974	2.32	IRRIGATION	421
MORRIS, HOWARD L; MORRIS, RHONDA	37-7315B	11/7/1973	0.15	IRRIGATION	126.8
MORRIS, HOWARD L; MORRIS, RHONDA	37-7316	11/7/1973	3.1	IRRIGATION	155
MORRIS, HOWARD L; MORRIS, RHONDA	37-7363	5/31/1974	1.64	IRRIGATION	117
MORRIS, HOWARD L; MORRIS, RHONDA	37-7531	10/6/1976	0.66	IRRIGATION	33
MOSS GREENHOUSES INC; MOSS, CAROLYN A	36-8298	9/23/1985	0.27	COMMERCIAL	
MOSS PRODUCE LLC	36-8426	7/18/1989	0.02	COMMERCIAL	
MOSS, CAROLYN A; MOSS, DE WITT A	36-7898	2/27/1980	0.06	COMMERCIAL, DOMESTIC	
MOSS, DEAN H; MOSS, MARSHA	45-14436	10/30/1980	0.04	IRRIGATION, DOMESTIC	2.2
MOUNTAIN VIEW LAND LP	36-7460L	3/25/1974	0.55	STOCKWATER, COMMERCIAL	
MOUNTAIN VIEW LAND LP	36-7646	9/24/1976	1.05	STOCKWATER, COMMERCIAL	
MOUNTAIN VIEW LAND LP	36-7945	10/20/1980	0.5	IRRIGATION	25
MOUNTAIN VIEW WATER CORP	37-21278	3/22/2004	0.06	DOMESTIC	
MOUNTAIN VIEW WATER CORP	37-7469	3/14/1976	0.67	DOMESTIC	
MOYLE, ALLEN; MOYLE, KARLA	36-8418	3/16/1989	0.48	STOCKWATER, COMMERCIAL, DOMESTIC	
MOYLE, ALLEN; MOYLE, KARLA	36-8768	6/16/1997	0.17	STOCKWATER, COMMERCIAL	
MOYLE, LEE	36-8450	9/21/1989	0.02	COMMERCIAL	
MPD HOLDING LLC	37-7259	9/12/1973	3.64	IRRIGATION	182
MPD HOLDING LLC	37-8707	3/26/1991	2	IRRIGATION	100
MUNSEE, AMY; MUNSEE, MARK W	36-8559	9/4/1990	1.86	IRRIGATION	93
MURPHY, LA VERN A	36-8361	5/31/1988	0.09	IRRIGATION	3
MUSSMANN, MILDRED; MUSSMANN, BERWYN	36-7700	5/2/1977	0.73	IRRIGATION, STOCKWATER	88
MVCP LLC	45-13904	11/16/1974	10.07	IRRIGATION	4389
MVCP LLC	45-13981	5/4/1978	4.6	IRRIGATION	4389
MVCP LLC	45-7186A	12/7/1974	6.12	IRRIGATION	4389
NALLEY, TINA L	37-8750	7/12/1991	0.13	IRRIGATION, STOCKWATER, DOMESTIC	6
NAPIER, DIANNA K	36-8521	12/19/1991	0.03	IRRIGATION, DOMESTIC	1
NEIBAUR, MACK W	36-11893*	7/23/1985	0.08	IRRIGATION	79
NEIBAUR, MACK W	36-7529H	3/28/1975	0.35	IRRIGATION	79
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-15212*	3/15/1975	0.33	IRRIGATION	310

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NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-15213*	3/15/1980	0.13	IRRIGATION	310
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-16955*	7/23/1985	0.07	IRRIGATION	79
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-7490	7/30/1974	4	IRRIGATION	310
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-7529A	3/28/1975	0.9	IRRIGATION	541.8
NEIBAUR, MITCHELL D; NEIBAUR, RACHEL H	36-7529B	3/28/1975	1.47	IRRIGATION	541.8
NEIBAUR, STEVE	36-15375*	4/1/1978	1.25	IRRIGATION	427
NEILSON, GLENN	36-8487	9/27/1989	0.22	DOMESTIC	
NELLIS, CARL H; NELLIS, JANE	36-7481	6/4/1974	0.04	IRRIGATION	2
NELSEN DAIRY	36-8745	11/7/1995	0.14	STOCKWATER, COMMERCIAL	
NELSON, JACK; NELSON, KATHY	37-8717	3/1/1991	0.08	IRRIGATION	2.6
NELSON, JACK; NELSON, KATHY	37-8740	3/14/1991	0.09	IRRIGATION	3
NESBIT, BERRA DAWN; NESBIT, LARRY R	36-8124	9/30/1982	0.16	IRRIGATION, STOCKWATER	7
NEUMANN, DAVID A; NEUMANN,	37-7837	6/24/1980	0.1	IRRIGATION, STOCKWATER	5
NEWCOMB, BRUCE C	45-7184	8/6/1974	5.57	IRRIGATION	614.1
NEWCOMB, BRUCE C	45-7507	6/16/1982	1.93	IRRIGATION	614.1
NEWCOMB, LONNA; NEWCOMB, MARK T	36-7890	1/17/1980	1.48	IRRIGATION	144
NEWCOMB, MARK T	45-12439	7/28/1978	11.15	IRRIGATION, STOCKWATER	629
NEWCOMB, MARK T	45-12440	5/14/1976	4.28	IRRIGATION	237
NEWCOMB, MARK T	45-14069	2/6/1979	0.37	IRRIGATION	269.6
NEWCOMB, MARK T	45-7252	7/2/1976	4.56	IRRIGATION	842
NEWCOMB, MARK T	45-7268B	5/14/1976	0.61	IRRIGATION	842
NEWCOMB, MARK T	45-7318	7/14/1977	3.38	IRRIGATION	200
NIELSEN, A DIANE; NIELSEN, RICHARD G	36-8474	9/29/1989	0.04	COMMERCIAL	
NORTH RIM FAIRWAYS OWNERS ASSN INC	36-8399	1/5/1995	0.41	DOMESTIC	
NORTH SNAKE GROUND WATER	36-16178	11/25/1977	0.26	IRRIGATION	13
NORTHSIDE DAIRY	36-7529F	3/28/1975	0.27	IRRIGATION	312
NORTHSIDE DAIRY	36-8490	11/7/1989	0.27	STOCKWATER, COMMERCIAL, DOMESTIC	
NORTHSIDE DAIRY; VERBREE JR, JACK; VERBREE LAND HOLDINGS LLC	36-16747	8/16/1973	0.38	IRRIGATION	100
NORTHSIDE DAIRY; VERBREE LAND HOLDINGS LLC	36-16633	4/8/1975	2.2	IRRIGATION	211.5
NORTHSIDE RANCH CO LLC	36-13986	3/1/1978	0.2	STOCKWATER, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES FLCA; ROTH INVESTMENTS LLC	36-8417	3/1/1989	0.76	STOCKWATER, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES FLCA; ROTH INVESTMENTS LLC	37-8685	9/20/1990	0.84	STOCKWATER, INDUSTRIAL	
NORTHWEST FARM CREDIT SERVICES FLCA; VAN BEEK, JOHN W	36-8165	4/7/1983	0.88	STOCKWATER, COMMERCIAL	
NORTHWEST FARM CREDIT SERVICES FLCA; VAN DYK, MARIE C; VAN DYK, RICHARD B	36-8547	4/25/1990	0.33	STOCKWATER, COMMERCIAL, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES FLCA; VERBREE LAND HOLDINGS LLC	36-8667	7/10/1992	0.27	STOCKWATER, COMMERCIAL, DOMESTIC	
NORTHWEST FARM CREDIT SERVICES PCA; TABER, BEVERLY; TABER, DONALD E	37-8401	9/20/1988	3	IRRIGATION	248

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NORTHWEST FARM CREDIT SERVICES PCA; TAYLOR, JACK; VERBREE LAND HOLDINGS LLC	36-7882A	12/7/1979	2.06	IRRIGATION	200
NOTCH BUTTE FARMS LLC	36-16139*	3/15/1974	0.18	IRRIGATION	188
NOTCH BUTTE FARMS LLC	36-7648	9/29/1976	0.44	IRRIGATION	667
NOTCH BUTTE FARMS LLC	37-20816	11/12/1981	0.49	IRRIGATION	195.4
NOTCH BUTTE FARMS LLC	37-20817	11/12/1981	0.47	IRRIGATION	187
NOTCH BUTTE FARMS LLC	37-22612	9/29/1976	0.11	IRRIGATION	335.1
NOTCH BUTTE FARMS LLC	37-8909*	3/15/1974	0.02	STOCKWATER	
NUNES BROTHERS DAIRY	36-8552	6/28/1990	0.12	STOCKWATER, COMMERCIAL, DOMESTIC	
O DONNELL, JOSEPH A; O DONNELL, JOYCE M	36-7662	1/8/1977	0.08	IRRIGATION, DOMESTIC	2
OAK VALLEY LAND CO LLC	45-10777A*	3/15/1976	0.47	IRRIGATION	463
OAK VALLEY LAND CO LLC	45-13591*	3/15/1979	0.26	IRRIGATION	241
OAK VALLEY LAND CO LLC	45-13923	11/24/1981	0.49	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13928	6/11/1979	6	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13929	6/11/1979	0.4	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13930	6/30/1985	1.29	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13931	6/30/1985	0.08	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13934	6/30/1985	2.3	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-13935	6/30/1985	0.15	IRRIGATION	267.1
OAK VALLEY LAND CO LLC	45-13945	11/24/1981	1.24	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-14005*	4/1/1978	0.33	IRRIGATION	265.1
OAK VALLEY LAND CO LLC	45-14006*	4/1/1978	0.1	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-14310	11/24/1981	5.07	IRRIGATION	3694.1
OAK VALLEY LAND CO LLC	45-14311	11/24/1981	1.02	STOCKWATER, COMMERCIAL	
OAK VALLEY LAND CO LLC	45-4176*	3/15/1976	0.18	IRRIGATION	463
OAK VALLEY LAND CO LLC	45-7339B	2/2/1978	0.8	IRRIGATION	371.7
OAK VALLEY LAND CO LLC	45-7672	12/29/1989	0.43	IRRIGATION	371.7
OLIVER, DEBBY; OLIVER, ROGER K	45-7545	6/29/1983	0.05	IRRIGATION	1.5
OLIVER, JIMMY R	45-7650	6/21/1989	0.06	IRRIGATION, DOMESTIC	1
OLSON, CHRISTIAN CHAD	37-8377	8/19/1988	0.03	IRRIGATION	1
OPPIO LAND & LIVESTOCK LLC	37-19848*	4/15/1987	0.29	IRRIGATION	142.4
OPPIO LAND & LIVESTOCK LLC	37-8010	12/5/1982	2.52	IRRIGATION	142.4
OPPIO LAND & LIVESTOCK LLC	37-8756C	2/4/1987	1.34	IRRIGATION	67
ORLO H MAUGHAN FAMILY REVOCABLE TRUST	36-7669	1/17/1977	2.36	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST	36-7883B	1/15/1980	1.49	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST DTD 02/03/1978	36-15191	6/15/1981	0.45	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST DTD 02/03/1978	36-7964A	2/9/1981	2	IRRIGATION	1100
ORLO H MAUGHAN FAMILY REVOCABLE TRUST DTD 02/03/1978	36-7964B	2/9/1981	3.7	IRRIGATION	1100
PALACIO, THOMAS R	37-7629	6/14/1977	1.3	IRRIGATION	76
PARKINSON, ROBERT J	36-8591	3/6/1991	1	IRRIGATION	66
PARNELL, KEVIN	36-16207	2/27/1979	0.02	STOCKWATER, COMMERCIAL	
PARNELL, KEVIN	37-21266	2/27/1979	0.07	IRRIGATION, MITIGATION	3.6
PARR, LOVELLE L; PARR, ROLLIN	36-7541	5/7/1975	0.19	IRRIGATION	25
PATTCO LLLP	45-13398*	3/15/1987	0.66	IRRIGATION	133
PATTCO LLLP	45-13399*	3/15/1976	0.97	IRRIGATION	305
PATTCO LLLP	45-7164	1/17/1974	1.2	IRRIGATION	133

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PATTCO LLLP	45-7261	3/13/1976	0.7	IRRIGATION	305
PATTCO LLLP	45-7603	7/9/1986	1.26	IRRIGATION	72
PATTERSON BROTHERS	36-8022B	11/19/1981	0.04	COMMERCIAL	
PATTERSON FARMS OF IDAHO INC	36-7718	6/1/1977	1.68	IRRIGATION	84
PATTERSON LAND & LIVESTOCK CO INC	37-7357	4/25/1974	2.9	IRRIGATION	170
PATTERSON LAND & LIVESTOCK CO INC	37-7952	11/18/1981	0.15	IRRIGATION	10
PATTERSON, ARNOLD F; PATTERSON, CECILIA S	36-7687	4/4/1977	2.8	IRRIGATION	199
PATTERSON, ARNOLD F; PATTERSON, CECILIA S	36-8022A	11/19/1981	0.15	STOCKWATER	
PATTERSON, E F; PATTERSON, PHYLLIS	36-8449	10/12/1989	0.03	IRRIGATION	1
PATTERSON, LISA E; PATTERSON, RUSSELL V	36-16499*	4/1/1984	0.04	IRRIGATION	466.5
PATTERSON, LISA E; PATTERSON, RUSSELL V	36-16526*	4/1/1955	0.31	IRRIGATION	466.5
PAUL CEMETERY MAINTENANCE	36-8586	4/24/1991	0.2	IRRIGATION	10
PAYTON, BROOKE; PAYTON, STEVEN R	36-7483	6/7/1974	0.12	IRRIGATION	6
PEARSON, DONALD N; PEARSON, MARY L	36-16727	3/7/1978	0.07	IRRIGATION	3.6
PELICAN POINT SUBDIVISION ASSN INC	36-8772	1/16/1998	0.73	DOMESTIC	
PERRINE RANCH INVESTMENT GROUP	36-8017	12/24/1981	0.06	STOCKWATER, DOMESTIC	
PERRY GILLETTE FARMS INC	36-15552	3/15/1974	0.86	IRRIGATION	282.6
PETE & JANE REITSMA LIVING TRUST	36-16651	12/17/1974	1.54	IRRIGATION	76.9
PETE & JANE REITSMA LIVING TRUST	36-16652	12/17/1974	0.06	STOCKWATER, COMMERCIAL	
PETE & JANE REITSMA LIVING TRUST	36-8378	7/23/1997	0.07	STOCKWATER, COMMERCIAL	
PETERS, THOMAS R	36-8577	2/28/1991	1.68	IRRIGATION	94
PETTA, DANIEL FREDRICK	36-16144	11/25/1977	0.02	IRRIGATION	1
PETTERSON, REBECCA L; PETTERSON, TIM	36-7460AH	3/25/1974	0.49	STOCKWATER, COMMERCIAL	
PETTERSON, REBECCA L; PETTERSON, TIM	36-8533	4/11/1990	0.1	STOCKWATER, COMMERCIAL, DOMESTIC	
PICKET, KIRK	45-7635	4/12/1993	0.08	COMMERCIAL	
PICKETT RANCH & SHEEP CO	45-13658	6/30/1985	0.34	IRRIGATION	475
PIERSON, MARGARET A; PIERSON, MARVIN E	37-7649	7/27/1978	2.99	IRRIGATION	181
PILKINTON, C R; PILKINTON, THOMAS R	36-7650B	7/30/1976	0.08	IRRIGATION	4
PIRES, JOHN; PIRES, LUCIA	36-10664	6/23/1976	0.05	IRRIGATION	1.6
PKD PROPERTIES LC	45-14019	2/10/1981	2.05	IRRIGATION	104
PKD PROPERTIES LC	45-7159	11/13/1973	2.36	IRRIGATION	118
PKD PROPERTIES LC	45-7292	4/25/1977	2.6	IRRIGATION	180
PKD PROPERTIES LC	45-7299	5/4/1977	3.18	IRRIGATION	165
PKD PROPERTIES LC	45-7433	12/28/1979	0.83	IRRIGATION	140
PKD PROPERTIES LC	45-7508	7/12/1982	1.62	IRRIGATION	112
PKD PROPERTIES LC; TLD PROPERTIES LLC	45-13475	6/30/1985	3.66	IRRIGATION	2040
POPA, DAN; POPA, PAM	36-8197	6/7/1983	0.08	IRRIGATION, DOMESTIC	2.5
POSTMA, LAURA; POSTMA, RAYMOND	37-7447B	7/30/1975	0.31	IRRIGATION	16
POTEET, HERBERT W; POTEET, RICHARD F	36-7600	1/19/1976	3.88	IRRIGATION	308
PRESCOTT, ALICE M; PRESCOTT, GWENNA R; PRESCOTT, MARVIN L; PRESCOTT, WADE L	37-7620	6/2/1977	3.31	IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DIVERSION TO STORAGE	450.4
PRICE, BERTHA; PRICE, EUGENE F	45-10000*	4/1/1971	0.74	IRRIGATION	202.1
PRINCE, CARI L; PRINCE, JAMES J	36-16100	5/9/1988	0.09	STOCKWATER, COMMERCIAL	

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Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
PRINCE, CARI L; PRINCE, JAMES J	36-8395	9/23/1988	0.11	STOCKWATER, COMMERCIAL	
PRINCE, CARI L; PRINCE, JAMES J	36-8505	2/23/1990	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
QUAD CAPITAL LLC	36-8221	7/9/1983	0.02	COMMERCIAL	
R J LLC	36-7523	2/26/1975	2.68	IRRIGATION, DOMESTIC	660
R J LLC	36-7835	12/22/1978	3.13	IRRIGATION	660
R J LLC	36-7934	8/19/1980	2.68	IRRIGATION	660
RANGEN INC	36-8048	12/21/1981	0.41	IRRIGATION	20.2
RAVENSCROFT, HARRIETT B; RAVENSCROFT, VERNON F	37-7343	3/3/1974	1.8	IRRIGATION	90
RED BRIDGE FARMS LLC	36-14285*	5/1/1977	0.32	IRRIGATION	274
RED BRIDGE FARMS LLC	36-14394*	6/28/1967	0.16	IRRIGATION	618
REMSBERG, JOHN D; REMSBERG, JUDY	36-16728	3/7/1978	0.71	IRRIGATION	35.4
REMSBERG, JOHN D; REMSBERG, JUDY	36-7730	7/1/1977	4	IRRIGATION	400
RICHAN, CLYDE L; RICHAN, ELVERA L	36-8486	9/19/1989	0.03	COMMERCIAL, DOMESTIC	
RICHARDS, BETH N; RICHARDS, JACKSON H	36-16110	11/19/1979	0.06	IRRIGATION	3
RIDDLE, LEN H; VEENSTRA, FRANK W	36-7376	9/29/1973	2.75	IRRIGATION	185
RIETKERK, GEORGE; RIETKERK, NANCY	36-7888	1/10/1980	0.07	IRRIGATION, STOCKWATER, DOMESTIC	1
RIETKERK, JOHN H; RIETKERK, RHONDA	36-7691	3/22/1977	0.7	IRRIGATION	220
RITCHIE, JAMES M; RITCHIE, KARLYN	36-7394	11/14/1973	4.56	IRRIGATION	330
RITCHIE, JAMES M; RITCHIE, KARLYN	36-7752	9/28/1977	3.58	IRRIGATION	251
RITCHIE, JAMES M; RITCHIE, KARLYN	36-8077	7/12/1984	1.6	IRRIGATION	330
RIVERSIDE CEMETERY DISTRICT	36-15341*	8/20/1976	0.12	IRRIGATION	9
RIVERSIDE ELECTRIC CO	36-8492	11/13/1989	0.01	COMMERCIAL	
ROBERTSON LAND CO LLC	36-7674	1/28/1977	4.74	IRRIGATION	400
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16840	3/13/1989	0.02	IRRIGATION	7.7
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16846	7/13/1987	0.01	IRRIGATION	7.7
ROBERTSON, COLLETTE; ROBERTSON, LOGAN	36-16854	4/6/1978	0.01	IRRIGATION	7.7
ROBERTSON, PAUL	36-7690A	4/6/1978	2.24	IRRIGATION	1140
ROCHA DAIRY	36-7460AB	3/25/1974	0.6	STOCKWATER, COMMERCIAL, DOMESTIC	
ROCHA DAIRY	36-8379	8/19/1988	0.38	STOCKWATER, COMMERCIAL, DOMESTIC	
RODNEY HANSEN FARMS INC	36-11147*	3/15/1968	0.27	IRRIGATION	500
ROGERS, DOROTHY; ROGERS, WAYNE	36-7428	1/10/1974	0.4	IRRIGATION	30
ROLLER KING TRUST	36-8419	4/4/1989	0.04	COMMERCIAL	
ROLLING ROCK DAIRY FARM LLC	36-8546	5/15/1990	0.08	STOCKWATER, COMMERCIAL	
ROSA, EDWARD M; ROSA, KAREN R	37-7447A	7/30/1975	0.29	IRRIGATION	15
ROSS, PAULINE	37-8112	6/2/1983	0.02	COMMERCIAL, COOLING	
ROTH INVESTMENTS LLC	36-16683	2/26/1980	18.39	IRRIGATION	1151.5
ROTH INVESTMENTS LLC	36-16684	2/26/1980	0.37	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-16886*	7/5/1985	0.49	IRRIGATION	220
ROTH INVESTMENTS LLC	36-16887*	7/5/1985	0.03	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-7894B	2/26/1980	0.31	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-7906A	3/26/1980	0.35	IRRIGATION	234
ROTH INVESTMENTS LLC	36-7906B	3/26/1980	0.11	STOCKWATER, COMMERCIAL	
ROTH INVESTMENTS LLC	36-8468	9/26/1989	0.86	COMMERCIAL	
ROTH, JAMES D	36-7395	10/24/1973	3.18	IRRIGATION	314

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ROTH, JAMES D	36-7705	5/16/1977	2.09	IRRIGATION	167
ROWSER, JUSTIN	45-13519*	3/15/1976	0.01	IRRIGATION	27
ROYCE, DAN; ROYCE, JO ANNE	36-8609	10/21/1991	0.02	IRRIGATION, STOCKWATER, DOMESTIC	2.5
RUBY RANCH INC	36-7860	6/20/1979	1.01	IRRIGATION	51
RUBY, HAROLD J; RUBY, LINDA L	36-7508A	11/5/1974	0.61	IRRIGATION	33
RUBY, KENNETH E	36-7794	4/28/1978	0.38	IRRIGATION	19
RUBY, KENNETH E; RUBY, MARY LOU	37-7442	7/11/1975	6.47	IRRIGATION, STOCKWATER, DOMESTIC	320
RUDY, THOMAS A	45-7278	12/6/1976	0.24	DOMESTIC	
RUPERT ANIMAL HOSPITAL	36-8460	10/11/1989	0.05	COMMERCIAL	
RURAL ELECTRIC CO	36-8435	8/11/1989	0.04	COMMERCIAL	
RYAN, EDWARD G	37-7313	11/2/1973	1.11	IRRIGATION	75
SABALA, JANE M; SABALA, JERRY	36-7515	12/12/1974	0.73	IRRIGATION	38
SACCOMAN, MARK M	36-7380	9/19/1973	0.32	IRRIGATION	16
SAGEBRUSH SPUDS	36-8366	6/15/1988	0.02	COMMERCIAL	
SALMON FALLS LAND & LIVESTOCK CO INC	36-10033*	3/15/1975	1.07	IRRIGATION	370
SALMON FALLS LAND & LIVESTOCK CO INC	36-10035*	3/15/1981	0.47	IRRIGATION	370
SALMON FALLS LAND & LIVESTOCK CO INC	36-10037*	3/15/1974	1.65	IRRIGATION	404
SAND SPRINGS LP	36-7452	3/11/1974	0.5	IRRIGATION	235
SAND SPRINGS LP	36-7453	3/11/1974	1.34	IRRIGATION	67
SAND SPRINGS RANCH PARTNERSHIP	36-7499A	9/4/1974	2.26	IRRIGATION	113
SAWTOOTH SHEEP INC	37-8702	1/31/1991	2.5	IRRIGATION	260
SCARROW, JIM D	36-15328	7/6/1974	5.19	IRRIGATION	263
SCARROW, JIM D	36-7337K	11/25/1977	1.3	STOCKWATER, COMMERCIAL	
SCARROW, JIM D	36-7386	10/9/1973	3.2	IRRIGATION	160
SCARROW, JIM D	36-7563	9/26/1974	4.38	IRRIGATION	219
SCARROW, JIM D	36-7572	10/14/1975	2.64	IRRIGATION	132
SCARROW, JIM D	36-8164	6/27/1985	2.08	IRRIGATION	104
SCARROW, JIM D	36-8263	2/3/1985	0.85	IRRIGATION	128
SCARROW, JIM D	37-8152	6/30/1983	0.25	STOCKWATER	
SCARROW, JIM D	37-8901	11/25/1977	0.2	STOCKWATER	
SCHAEFFER, DAN; SCHAEFFER, JAMES K	36-8220B	2/7/1990	1.2	IRRIGATION	162
SCHENK, ROBERT W; STEWART, REID S; ZOLLINGER, C S	36-10030*	4/1/1975	1.3	IRRIGATION	462
SCHMID, JOHN; SCHMID, PATRICIA	36-8434	7/31/1989	0.03	IRRIGATION	1
SCHOTH, PAMELA S	36-8589	5/9/1991	0.13	IRRIGATION, DOMESTIC	2.7
SEARLE, CLIFFORD; SEARLE, CLOYD R; SEARLE, CRAIG; SEARLE, KELLY; SEARLE, KENT R; SEARLE, RAYMOND C	45-13946	5/4/1978	0.35	STOCKWATER, COMMERCIAL	
SEARLE, SCOTT O	45-7151	8/29/1973	1.38	IRRIGATION	458
SEARLE, SCOTT O	45-7338	1/31/1978	1.54	IRRIGATION	458
SEARLE, SCOTT O	45-7358B	3/20/1979	1.54	IRRIGATION	458
SEARS, CODY J; SEARS, NATALIE N	36-8372	8/3/1988	0.06	IRRIGATION	3
SERR, KAREN B; SERR, MAX A	36-15364*	4/1/1985	0.06	IRRIGATION	214
SERR, KAREN B; SERR, MAX A	36-7965	12/29/1980	1.18	IRRIGATION	59
SHADY GROVE DAIRY PROPERTIES LLC	37-7458A	10/14/1975	1.25	IRRIGATION	145
SHADY GROVE DAIRY PROPERTIES LLC	37-8751	6/11/1991	0.11	STOCKWATER, COMMERCIAL, DOMESTIC	

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SHAW, ACEY RYAN; SHAW, JALYN BELLE; SHAW, RITA S; SHAW, WILLIAM HUBERT	37-21264	2/27/1979	0.63	IRRIGATION	31.5
SHAW, ACEY RYAN; SHAW, JALYN BELLE; SHAW, RITA S; SHAW, WILLIAM HUBERT	37-21425	1/7/1974	2.65	IRRIGATION	133
SHAW, DEAN B	36-7702	5/5/1977	2.32	IRRIGATION	116
SHAW, EUGENE L; SHAW, JOYCE	37-7314	11/5/1973	2.8	IRRIGATION	180
SHAW, EUGENE L; SHAW, JOYCE	37-7726	8/10/1978	0.8	IRRIGATION	180
SHAW, RITA S; SHAW, WILLIAM HUBERT	37-7716	5/22/1978	0.78	IRRIGATION	39
SHAW, WILLIAM HUBERT	37-7394	12/1/1974	5.94	IRRIGATION, STOCKWATER	1892
SHAW, WILLIAM HUBERT	37-7768	2/28/1979	0.18	STOCKWATER	
SHAW, WILLIAM HUBERT	37-7814	12/12/1979	0.14	IRRIGATION	1892
SHAW, WILLIAM HUBERT	37-8705	2/21/1991	7	IRRIGATION	1892
SHEPARD, JANET C; SHEPARD, ROBERT	36-14202*	5/1/1975	0.2	IRRIGATION	130
SHEPARD, JANET C; SHEPARD, ROBERT	36-7737A	7/29/1977	1.42	IRRIGATION	120
SHEPARD, JANET C; SHEPARD, ROBERT	36-7737B	7/29/1977	0.16	IRRIGATION	142
SHOSHONE JOINT SCHOOL DISTRICT	37-7498	6/25/1976	0.3	IRRIGATION	18
SIMPSON, JOYE	45-7333B	1/19/1978	0.08	IRRIGATION	8
SIMPSON, JOYE; TURNER, LOVELL J; TURNER, RONALD J	45-7731	2/12/1996	1.21	IRRIGATION	110.9
SINCLAIR OIL CORP	45-7657	6/30/1989	0.02	COMMERCIAL	
SINNOTT, EDGAR L	37-8869	2/3/1998	0.04	DOMESTIC	
SIRUCEK, MIKE	36-8569	12/10/1990	0.46	IRRIGATION	67
SKAAR, KELLI JO	36-7434	3/21/1974	0.17	IRRIGATION, STOCKWATER	8.5
SLADE, DELILAH; SLADE, KEVIN L	36-15229*	8/17/1972	0.3	IRRIGATION	153
SLADE, WILLIAM J; SLADE, WYLENE	36-15228*	3/15/1973	0.1	IRRIGATION	459
SLIGAR, KEITH	36-7619	8/16/1976	4.15	COMMERCIAL, RECREATION, FIRE PROTECTION	
SLIMAN, MICHAEL E; SLIMAN, MIKE G	37-8060	12/9/1982	0.01	COMMERCIAL	
SLIMAN, MICHAEL E; SLIMAN, MIKE G	37-8061	12/9/1982	0.07	IRRIGATION, DOMESTIC	1
SLUDER, GILBERT T; SLUDER, GONDA O; SLUDER, RONALD E	37-8108	6/1/1983	0.08	DOMESTIC	
SMITH, CLIFFORD L	36-8522	4/11/1990	0.14	IRRIGATION, STOCKWATER, DOMESTIC	5
SMITH, DAVID RA	37-7484	3/22/1976	2.88	IRRIGATION	144
SMITH, GEORGE E; SMITH, NANCY L	45-7541	7/29/1983	0.03	IRRIGATION	1
SMITH, JAMES M; SMITH, SHERRI	45-7180	7/15/1974	0.62	IRRIGATION, DOMESTIC	38
SMITH, JEREMY S	36-16967	5/2/1977	0.05	IRRIGATION	26.4
SMITH, JEREMY S	36-16969	3/15/1981	0.02	IRRIGATION	26.4
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16664	11/15/1973	0.17	IRRIGATION	51
SMITH, JEREMY S; SMITH, LISA G; SMITH, RANAE GRIFFIN	36-16666*	5/1/1984	0.07	IRRIGATION	51
SMITH, JOHN E	45-7353B	8/9/1978	0.04	IRRIGATION, STOCKWATER, DOMESTIC	2.8
SMITH, RONNIE D; SMITH, SHARLENE M	36-8333	8/25/1987	2.91	IRRIGATION	146
SOARES, JOHN C	36-8803	7/13/2000	0.13	STOCKWATER, COMMERCIAL	
SODERQUIST, CHRISTIE; SODERQUIST, KEITH EDWIN	36-7416C	2/22/1974	4.78	IRRIGATION	310.4
SODERQUIST, CHRISTIE; SODERQUIST, KEITH EDWIN	36-7416D	2/22/1974	4	IRRIGATION	310.4

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SORENSEN, ESMERALDA J; SORENSON, GREGORY J	37-20361	1/9/2001	0.06	STOCKWATER	
SOUTH IDAHO LEASING INC	36-7768	11/28/1977	3.42	IRRIGATION	171
SOUTH VIEW DAIRY	36-14035D	5/26/1976	0.14	COMMERCIAL	
SOUTH VIEW DAIRY	36-16611	5/28/1974	0.16	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16612	5/28/1974	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16613	2/4/1976	0.15	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16614	2/4/1976	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-16615	2/22/1978	0.18	IRRIGATION	236.2
SOUTH VIEW DAIRY	36-16616	2/22/1978	0.01	STOCKWATER, COMMERCIAL	
SOUTH VIEW DAIRY	36-7681A	2/14/1977	0.9	IRRIGATION	56.7
SOUTH VIEW DAIRY	36-7681B	2/14/1977	0.08	STOCKWATER, COMMERCIAL, DOMESTIC	
SOUTH VIEW DAIRY	36-8578	2/8/1993	0.25	STOCKWATER, COMMERCIAL	
SOUTHERN IDAHO REGIONAL SOLID WASTE DISTRICT	45-7221B	1/7/1975	0.46	IRRIGATION, STOCKWATER, INDUSTRIAL, DOMESTIC	640
SOUTHFIELD DAIRY	36-8387	8/31/1988	2.48	IRRIGATION	149
SOUTHFIELD PROPERTIES LLC	36-10666*	5/1/1987	0.19	IRRIGATION	142
SOUTHFIELD PROPERTIES LLC	36-2907	4/26/1990	0.8	IRRIGATION	436
SOUTHFIELD PROPERTIES LLC	36-7295A	12/11/1973	2.43	IRRIGATION	177
SOUTHFIELD PROPERTIES LLC	36-7295B	12/11/1973	2.8	IRRIGATION	190.9
SOUTHFIELD PROPERTIES LLC	36-7295C	12/11/1973	0.32	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7377D	9/7/1973	0.79	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7377F	9/7/1973	0.24	IRRIGATION	141
SOUTHFIELD PROPERTIES LLC	36-7377G	9/7/1973	1.04	IRRIGATION	139
SOUTHFIELD PROPERTIES LLC	36-7377H	9/7/1973	0.05	IRRIGATION	7
SOUTHFIELD PROPERTIES LLC	36-7460B	3/25/1974	1.04	IRRIGATION	99
SOUTHFIELD PROPERTIES LLC	36-7460E	3/25/1974	0.13	IRRIGATION	8
SOUTHFIELD PROPERTIES LLC	36-7460F	3/25/1974	0.12	IRRIGATION	8
SOUTHFIELD PROPERTIES LLC	36-7533A	3/27/1975	1.13	IRRIGATION	72
SOUTHFIELD PROPERTIES LLC	36-7533B	3/27/1975	1.12	IRRIGATION	81
SOUTHFIELD PROPERTIES LLC	36-7533C	3/27/1975	0.42	IRRIGATION	30
SOUTHFIELD PROPERTIES LLC	36-7547D	5/13/1975	1.14	STOCKWATER, COMMERCIAL	
SOUTHFIELD PROPERTIES LLC	36-7547F	5/13/1975	0.35	IRRIGATION	141
SOUTHFIELD PROPERTIES LLC	36-7547G	5/13/1975	1.51	IRRIGATION	139
SOUTHFIELD PROPERTIES LLC	36-7547H	5/13/1975	0.08	IRRIGATION	7
SOUTHFIELD PROPERTIES LLC	36-7575	10/31/1975	0.43	IRRIGATION, STOCKWATER	37
SOUTHFIELD PROPERTIES LLC	36-7583	12/9/1975	0.22	IRRIGATION	142
SOUTHFIELD PROPERTIES LLC	36-7584	12/9/1975	1.08	IRRIGATION	154
SOUTHFIELD PROPERTIES LLC	36-7672	1/27/1977	1.77	IRRIGATION	103
SOUTHFIELD PROPERTIES LLC	36-8063C	2/21/1982	0.3	IRRIGATION	99
SOUTHFIELD PROPERTIES LLC	36-8252E	10/17/1984	0.1	IRRIGATION	99
SOUTHFIELD PROPERTIES LLC	36-8313A	8/20/1986	1.2	IRRIGATION	60
SOUTHFIELD PROPERTIES LLC	36-8529	4/5/1990	0.66	IRRIGATION	33
SOUTHFIELD PROPERTIES LLC	36-8560A	9/7/1990	1.03	IRRIGATION	135
SOUTHFIELD PROPERTIES LLC	36-8560B	9/7/1990	0.12	IRRIGATION	6
SOUTHFIELD PROPERTIES LLC	36-8582	2/20/1991	0.46	IRRIGATION	23
SOUTHFIELD PROPERTIES LLC	36-8608	9/3/1991	0.86	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	2
SOUTHFIELD PROPERTIES LLC	36-8760	12/4/1990	1.52	IRRIGATION	436
SOUTHFIELD PROPERTIES LLC	37-7370	7/22/1974	3.26	IRRIGATION	576
SOUTHFIELD PROPERTIES LLC	37-7572	3/21/1977	2.53	IRRIGATION	576
SOUTHFIELD PROPERTIES LLC	37-7634	5/23/1977	1.31	IRRIGATION	576
SOUTHFIELD PROPERTIES LLC	37-8326	1/6/1988	1.36	IRRIGATION	602

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SOUTHFIELD PROPERTIES LLC	37-8732	4/13/1991	3	IRRIGATION	587
SPENCER, GLEN D	36-8536	4/12/1990	0.03	IRRIGATION, DOMESTIC	1
SPRING CREEK TERRACES INC	45-7286	3/22/1977	0.27	DOMESTIC	
SPRINGDALE ACRES HOMEOWNERS ASSN	45-7697	1/9/1992	0.31	IRRIGATION, DOMESTIC	11
SPRINGDALE ACRES HOMEOWNERS ASSN INC	45-13513	12/6/2002	0.29	HEATING, COOLING	
SPRINGDALE ACRES HOMEOWNERS ASSN INC	45-7375	4/12/1979	0.12	DOMESTIC	
STANDING 16 RANCH LAND CO LLC	36-16707	4/26/1990	0.03	STOCKWATER, COMMERCIAL	
STANDING 16 RANCH LAND CO LLC	36-16708	4/26/1990	0.06	STOCKWATER, COMMERCIAL	
STANDING 16 RANCH LAND CO LLC	36-16767	9/12/1973	0.16	STOCKWATER, COMMERCIAL	
STANDING 16 RANCH LAND CO LLC	36-7337H	11/25/1977	0.3	STOCKWATER, COMMERCIAL	
STANDLEE FAMILY LTD PARTNERSHIP	36-15119*	3/1/1975	1.31	IRRIGATION	534
STANDLEE FAMILY LTD PARTNERSHIP	36-15178*	3/1/1975	0.04	IRRIGATION	456
STANDLEE FAMILY LTD PARTNERSHIP	36-16500*	4/1/1984	0.51	IRRIGATION	345
STAR FALLS AG INC	36-7417	12/11/1973	0.51	IRRIGATION	200
STAR FALLS FARMS LLC	36-16947	8/24/1976	0.52	IRRIGATION	511
STAR FALLS FARMS LLC	36-8289	6/26/1985	0.04	IRRIGATION	511
STARGAZER LAND & CATTLE LP	36-15152*	8/30/1984	0.08	IRRIGATION	633
STARGAZER LAND & CATTLE LP	36-7554	7/5/1975	5.35	IRRIGATION	633
STARGAZER LAND & CATTLE LP	36-7620	3/15/1976	1.76	IRRIGATION	137
STARGAZER LAND & CATTLE LP	36-7829	11/9/1978	4.8	IRRIGATION	633
STATE OF IDAHO	36-15958	10/16/2001	0.2	DOMESTIC	
STATE OF IDAHO	37-20853	9/20/1974	0.13	MUNICIPAL	
STATE OF IDAHO	37-22570	5/5/2010	0.06	DOMESTIC	
STATE OF IDAHO	37-7457	10/1/1975	0.05	DOMESTIC	
STATE OF IDAHO; STATE OF IDAHO	37-7372	6/30/1999	6.54	IRRIGATION, STOCKWATER	320
STATE OF IDAHO; STATE OF IDAHO DEPT OF TRANSPORTATION	37-20852	9/20/1974	0.09	IRRIGATION	4.7
STEVE NEIBAUR FARMS INC	36-15209*	3/15/1970	0.71	IRRIGATION	335
STEVENSON BROTHERS FARMS	36-7495	8/13/1974	4.58	IRRIGATION	320
STEVENSON BROTHERS FARMS	36-7529C	3/28/1975	4.28	IRRIGATION	316
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-7956A	1/16/1981	2.15	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-7956B	1/16/1981	0.15	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-8619A	11/13/1991	1.13	IRRIGATION	884
STEVENSON, DEAN F; STEVENSON, ELLEN W	36-8619B	11/13/1991	0.2	IRRIGATION	884
STEVENSON, JOHN A	36-7529Q	3/28/1975	0.69	IRRIGATION	158
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-16461	2/15/1974	0.04	IRRIGATION	5.1
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-7651	10/28/1976	4.5	IRRIGATION	316
STEVENSON, SCOTT A; STEVENSON, TAMARA LYNN	36-8161	3/31/1983	1.8	IRRIGATION	446
STEWART, CAROLYN L; STEWART, DENNIS G	37-7628	6/16/1977	3.4	IRRIGATION	170
STODDARD, NEIL	36-8744	12/22/1995	0.12	IRRIGATION, DOMESTIC	0.3
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13865	12/26/1973	8.84	IRRIGATION	2034.6

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STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13866	12/26/1973	0.72	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13871	3/20/1979	1.54	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13872	3/20/1979	0.13	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13900	10/16/1987	2.09	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-13901	10/16/1987	0.17	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-14102	5/4/1978	1.36	IRRIGATION	2034.6
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-14250	5/4/1978	1.41	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7161B	12/26/1973	0.3	STOCKWATER, COMMERCIAL	
STOKER, BRENT; STOKER, LAVEL ; STOKER, MARLA ; STOKER, WENDY	45-7358D	3/20/1979	1.59	IRRIGATION, STOCKWATER	2034.6
STOKES, SHIRLEY W	36-8409	1/23/1989	0.2	IRRIGATION	10
STOUDER HOLSTEINS LLP	36-8225A	11/19/1983	0.54	IRRIGATION, STOCKWATER, COMMERCIAL	1.5
STOUDER HOLSTEINS LLP	36-8225B	11/19/1983	0.18	STOCKWATER	
STOUDER HOLSTEINS LLP	36-8350	4/5/1988	0.31	STOCKWATER, COMMERCIAL	
STRICKLAND, CAROL; STRICKLAND, JERRY A	36-7450B	3/6/1974	0.76	IRRIGATION	37
STROUD, JAMES L; STROUD, LORIEN E	36-13645	12/31/1978	0.08	STOCKWATER, DOMESTIC	
STROUD, JAMES L; STROUD, LORIEN E	36-16210	5/4/1978	0.11	STOCKWATER, COMMERCIAL	
SUCHAN, CHEYENNE B; SUCHAN, RUSSELL F	36-12454*	7/4/1974	0.51	IRRIGATION	800
SUCHAN, FRANK J	36-7629	6/24/1976	2	IRRIGATION	240
SUCHAN, FRANK J	36-7828	10/23/1978	2.32	IRRIGATION	156
SUCHAN, FRANK J	36-7839	1/19/1979	0.8	IRRIGATION	156
SUHR, DANIEL A; SUHR, DONNA DEE	36-14317*	3/20/1976	0.67	IRRIGATION	153
SUN VALLEY POTATOES INC	36-8349	7/20/1988	0.29	COMMERCIAL	
SUNDANCE INC	36-15992	7/31/1974	0.42	IRRIGATION	94
SUNRISE ORGANIC DAIRY LLC	36-16045	10/19/1981	1.95	IRRIGATION	1520
SUNRISE ORGANIC DAIRY LLC	36-16046	10/19/1981	0.05	STOCKWATER, COMMERCIAL	
SUNRISE ORGANIC DAIRY LLC	36-16055	12/8/1981	4.12	IRRIGATION	1520
SUNRISE ORGANIC DAIRY LLC	36-16056	12/8/1981	0.61	STOCKWATER, COMMERCIAL	
SUNRISE ORGANIC DAIRY LLC	36-16396	12/8/1981	0.75	STOCKWATER, COMMERCIAL	
SUNRISE ORGANIC DAIRY LLC	36-7688	4/6/1977	8.36	IRRIGATION	513
SUNRISE ORGANIC DAIRY LLC	36-7801	8/24/1978	0.89	STOCKWATER, COMMERCIAL	
SUNRISE ORGANIC DAIRY LLC	36-8005B	12/8/1981	0.27	STOCKWATER, COMMERCIAL	
SUNRISE ORGANIC DAIRY LLC	36-8008	12/8/1981	0.84	IRRIGATION	1520
SUNRISE ORGANIC DAIRY LLC	36-8011A	12/24/1981	0.15	DOMESTIC	
SUNRISE ORGANIC DAIRY LLC	36-8011B	12/24/1981	0.14	STOCKWATER	
SUNRISE ORGANIC DAIRY LLC	36-8014	11/4/1981	0.26	STOCKWATER, COMMERCIAL, DOMESTIC	
SUNRISE ORGANIC DAIRY LLC	36-8015	12/24/1981	0.46	STOCKWATER, COMMERCIAL	
SUNRISE ORGANIC DAIRY LLC	36-8401	11/28/1988	0.68	IRRIGATION	520
SUNRISE ORGANIC DAIRY LLC	36-8402	11/28/1988	0.84	IRRIGATION	1520
SWEET, WILLIAM G	37-7692	12/21/1977	4	IRRIGATION	196
SWISHER, JERRY S	45-7652	6/5/1989	0.06	IRRIGATION, DOMESTIC	2.1

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SYBRANDY, ANNA; SYBRANDY, IDA; SYBRANDY, SIMON	36-8408	1/19/1989	0.31	COMMERCIAL, DOMESTIC	
SYDNOR, CARLA; SYDNOR, CHARLES	45-7661	6/29/1989	0.05	IRRIGATION, DOMESTIC	2
TABER FAMILY LLC	37-7465A	12/1/1975	2.67	IRRIGATION	160
TABER FAMILY LLC	37-7504	7/22/1976	3.3	IRRIGATION, STOCKWATER	178
TABER FAMILY LLC	37-7772	1/11/1980	0.71	IRRIGATION	38
TABER, BEVERLY	37-7877A	2/5/1981	0.02	IRRIGATION	1
TABER, BEVERLY; TABER, DONALD E	37-7617A	6/2/1977	3.64	IRRIGATION	186
TABER, BEVERLY; TABER, DONALD E	37-7617B	6/2/1977	0.14	STOCKWATER, COMMERCIAL	
TABER, DONALD C; TABER, LYNDA L	37-8078	5/15/1983	2	IRRIGATION	116
TABER, DONALD E	37-10158*	4/1/1974	1.78	IRRIGATION	466
TAJO LLC	45-7214	12/24/1974	1	IRRIGATION	50
TANNER, BARBARA; TANNER, ROBERT	36-8512	2/27/1990	0.02	COMMERCIAL	
TAT FARMS LLC	45-13490	6/30/1985	0.74	IRRIGATION	385
TAT FARMS LLC	45-13491	6/30/1985	4.02	IRRIGATION	1261.1
TATEOKA, JIM; TATEOKA, KO T	36-7522	1/29/1975	2.15	IRRIGATION	307
TED MILLER DAIRY	36-16187	10/28/1977	0.75	IRRIGATION	150
TEIXEIRA, HUMBERTO AZEVEDO	36-16732	8/21/1973	0.16	IRRIGATION	8
TELFORD, MICHAEL S	36-10024*	5/31/1976	1.15	IRRIGATION	298.8
TELFORD, MICHAEL S	36-10025*	5/31/1976	0.77	IRRIGATION	238
TELFORD, MICHAEL S	36-15984	12/7/1979	2.91	IRRIGATION	444
TELFORD, MICHAEL S	36-15984	12/7/1979	2.91	IRRIGATION	444
TELFORD, MICHAEL S	36-15985	12/7/1979	0.94	IRRIGATION	308
TELFORD, MICHAEL S	36-15985	12/7/1979	0.94	IRRIGATION	308
TELFORD, MICHAEL S	36-8189	5/11/1983	0.96	IRRIGATION	48
TELFORD, MICHAEL S	36-8191	5/11/1983	1.97	IRRIGATION	98.3
TELFORD, MICHAEL S	37-7650	9/4/1977	0.17	STOCKWATER, DOMESTIC	
TELFORD, MICHAEL S	37-7949	11/4/1981	0.25	STOCKWATER, COMMERCIAL	
TELFORD, MICHAEL S; TELFORD, ROBERT	37-8212	5/11/1983	0.01	STOCKWATER, COMMERCIAL	
TERRONEZ, EUGENE THOMAS; TERRONEZ, JUDITH J	36-7924	6/30/1980	0.08	IRRIGATION, STOCKWATER, DOMESTIC	1
TESSENDERLO KERLEY INC	45-7465C	4/15/1981	0.14	IRRIGATION	9
TESSENDERLO KERLEY INC	45-7465D	4/15/1981	0.56	INDUSTRIAL	
TEXAS MUNICIPAL PLAN CONSORTIUM LLC	36-16140*	3/15/1974	0.01	IRRIGATION	11.3
THAIN, CORY S	36-16702	3/13/1981	0.86	IRRIGATION	43
THAIN, GREG S	36-16701	3/13/1981	0.3	IRRIGATION	15
THAIN, GREG S; THAIN, JOHN T	36-8413	3/2/1989	1	IRRIGATION	183.5
THE ALTON & PAULA HUYSER TRUST	37-7268	8/23/1973	3.06	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-7268	8/23/1973	3.06	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-7454	9/8/1975	3.94	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-7602	5/4/1977	2.62	IRRIGATION	489
THE ALTON & PAULA HUYSER TRUST	37-8679	8/23/1990	0.16	IRRIGATION	489
THE AMALGAMATED SUGAR CO LLC	36-8364	6/10/1988	0.22	INDUSTRIAL	
THE BAKER FAMILY TRUST	36-7405	11/8/1973	1.16	IRRIGATION	240
THE BENEDICTINE MONKS OF IDAHO INC	36-7904	3/26/1980	0.38	IRRIGATION	425
THIBAUT, DONALD F; THIBAUT, PHYLLIS N	36-7447	2/21/1974	3.91	IRRIGATION	282
THOMPSON, DEBORAH M; THOMPSON, GARY C	36-11839*	3/15/1976	0.25	IRRIGATION	317
THOMPSON, KURT; THOMPSON, LINDA B	36-8615	10/30/1991	0.05	IRRIGATION	1.5
THOMSON, JOHN S	36-8675	9/14/1992	0.03	STOCKWATER	
TLD PROPERTIES LLC	36-16663	11/15/1973	3.03	IRRIGATION	929

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TLD PROPERTIES LLC	36-16665*	5/1/1984	1.19	IRRIGATION	929
TOLEDO, JOHN B; TOLEDO, MARIA R	36-7460AF	3/25/1974	0.2	STOCKWATER, COMMERCIAL	
TOONE, MARK S; TOONE, SALLY J	37-7412	12/18/1974	2.25	IRRIGATION	247
TOONE, MARK S; TOONE, SALLY J	37-7816	12/26/1979	2.25	IRRIGATION	138
TRACY, CHARLES R	36-7733	7/22/1977	0.12	IRRIGATION, DOMESTIC	3.5
TRAU, GARRETT E; TRAU, HELEN	36-8464B	10/12/1989	0.16	IRRIGATION, STOCKWATER	5
TRAVELERS OASIS TRUCK PLAZA; WILLIE, DANIEL L	36-8766	6/8/1997	0.1	COMMERCIAL	
TRIPLE C CONCRETE INC	36-8791	6/17/1999	1.68	INDUSTRIAL	
TRIPLE C CONCRETE INC	36-8792	6/17/1999	1.68	INDUSTRIAL	
TRIPLE T FARMS	36-7882B	12/7/1979	7.85	IRRIGATION	639.5
TROST, KEN R; TROST, PAM J	36-7996	7/24/1981	0.22	IRRIGATION	11
TURNER, CHARLES K; TURNER, STACEY	37-7415A	1/6/1975	1.39	IRRIGATION	69.4
TURNER, CHARLES K; TURNER, STACEY	37-7415B	1/6/1975	0.21	STOCKWATER, COMMERCIAL	
TURNER, DALE N; TURNER, NILENE M	45-7334	6/7/1978	1.78	IRRIGATION	160
TURNER, LOVELL J	45-13548	1/19/1978	0.03	IRRIGATION	5.6
TURNER, RONALD J	45-7333A	1/19/1978	0.44	IRRIGATION	97.3
TURNEY, JAMES O; TURNEY, VICKIE	45-7674	4/9/1990	0.03	IRRIGATION	0.8
TWIN STOCK LLC	36-7699	5/2/1977	2.15	IRRIGATION	107.5
UNIT 3 WATER ASSN INC	36-8090	6/16/1982	0.51	IRRIGATION, STOCKWATER, DOMESTIC, FIRE PROTECTION	24
UNIT 3 WATER ASSN INC	36-8727	5/5/1994	0.45	DOMESTIC	
UNITED ELECTRIC COOP INC	36-8797	11/5/1999	0.21	HEATING, COOLING	
UNITED STATES OF AMERICA ACTING THROUGH	36-16183	6/18/2003	0.03	STOCKWATER, WILDLIFE	
UNITED STATES OF AMERICA ACTING THROUGH	36-16583*	3/15/1987	0.03	IRRIGATION	4
UNITED STATES OF AMERICA ACTING THROUGH	36-16691	9/10/1984	2.68	IRRIGATION	133.8
UNITED STATES OF AMERICA ACTING THROUGH	36-7497	8/21/1974	0.05	STOCKWATER, WILDLIFE	
UNITED STATES OF AMERICA ACTING THROUGH	36-7611A	2/25/1977	1.67	IRRIGATION	119
UNITED STATES OF AMERICA ACTING THROUGH	36-7830A	11/9/1978	0.67	IRRIGATION	119
UNITED STATES OF AMERICA ACTING THROUGH	36-8056B	1/21/1982	0.7	IRRIGATION	46
UNITED STATES OF AMERICA ACTING THROUGH	36-8110B	8/19/1982	0.12	IRRIGATION	46
UNITED STATES OF AMERICA ACTING THROUGH	37-20839	2/6/1974	0.19	IRRIGATION	64
UNITED STATES OF AMERICA ACTING THROUGH	37-20849	10/6/1977	0.42	IRRIGATION	30
UNITED STATES OF AMERICA ACTING THROUGH	37-20851*	3/15/1983	0.02	IRRIGATION	30
UNITED STATES OF AMERICA ACTING THROUGH	45-7340B	2/2/1978	0.97	IRRIGATION	80
UR FARMS LTD PARTNERSHIP	36-16192	1/7/1974	0.03	STOCKWATER, COMMERCIAL	
UR FARMS LTD PARTNERSHIP	36-16378	1/7/1974	0.1	STOCKWATER, COMMERCIAL	

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UR FARMS LTD PARTNERSHIP	36-8549	6/28/1990	0.09	STOCKWATER, COMMERCIAL	
UR FARMS LTD PARTNERSHIP	37-21142	1/7/1974	0.08	IRRIGATION, MITIGATION	4.9
UR FARMS LTD PARTNERSHIP	37-21160	2/27/1979	0.12	MITIGATION	
US DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION	36-16928	2/1/2012	0.2	HEATING, COOLING	
US DEPARTMENT OF THE INTERIOR	45-14305*	4/13/1971	0.69	IRRIGATION	130.5
US DEPT OF INTERIOR	36-16062	8/12/2002	0.02	DOMESTIC, FIRE PROTECTION	
US DEPT OF INTERIOR	36-8575	12/24/1990	0.07	STOCKWATER, WILDLIFE	
US DEPT OF INTERIOR	36-8750	3/13/1996	0.04	DOMESTIC	
V & L DAIRY	36-7569	9/24/1975	6.02	IRRIGATION	302
V & R FARMS LLC	45-13950	8/15/1975	1.16	IRRIGATION	120
V & R FARMS LLC	45-13962	8/29/1991	7.35	IRRIGATION	367.4
V & R FARMS PARTNERSHIP	45-13963	8/29/1991	0.22	IRRIGATION	120
VALLEY COOPS INC	36-8452	8/22/1989	0.16	COMMERCIAL	
VALLEY SCHOOL DISTRICT #262	36-16299	9/22/2004	1.52	DOMESTIC, FIRE PROTECTION	
VAN BEEK, DIANNE; VAN BEEK, JACK	36-7958	1/9/1981	5.8	IRRIGATION	290
VAN BEEK, DIANNE; VAN BEEK, JOHN	36-16719*	3/15/1975	0.08	STOCKWATER, COMMERCIAL	
VAN BEEK, DIANNE; VAN BEEK, JOHN	36-16720*	3/15/1975	0.05	STOCKWATER, COMMERCIAL	
VAN BEEK, DIANNE; VAN BEEK, JOHN	36-8021	1/2/1982	0.22	STOCKWATER, COMMERCIAL	
VAN BEEK, DIANNE; VAN BEEK, JOHN	36-8398	2/14/1995	0.51	STOCKWATER, COMMERCIAL	
VAN DYK & SONS A GENERAL PARTNERSHIP	36-7454	3/11/1974	0.28	IRRIGATION	74
VAN DYK, MARIE C; VAN DYK, RICHARD B	36-7738	9/7/1977	2.5	IRRIGATION	125
VAN DYK, RICHARD B; VAN DYK, TAMMY D	36-7760	11/7/1977	2.3	IRRIGATION	222
VAN DYK, RICHARD B; VAN DYK, TAMMY D	36-8389	9/1/1988	0.18	STOCKWATER, COMMERCIAL	
VAN STRAALLEN, ALICE; VAN STRAALLEN, ARIE	36-16506	4/8/1975	0.05	COMMERCIAL	
VAN STRAALLEN, ALICE; VAN STRAALLEN, ARIE	36-16510	8/16/1973	0.08	STOCKWATER, COMMERCIAL	
VAN TASSELL, AFTON; VAN TASSELL, GAIL	36-7512	11/25/1974	9.2	IRRIGATION	837
VAN TASSELL, AFTON; VAN TASSELL, GAIL	36-7966	2/23/1981	0.37	IRRIGATION	837
VAN TASSELL, PERRY	36-7784A	3/17/1978	3.23	IRRIGATION	272
VAN TASSELL, PERRY	36-7784B	3/17/1978	1.11	IRRIGATION	305
VANDEN BOSCH SR, MARVIN L; VANDEN BOSCH, JEANNETTE	36-7954	12/30/1980	0.07	IRRIGATION, DOMESTIC	2
VANDERHAM BROTHERS DAIRY	36-7379A	9/18/1973	1.96	IRRIGATION	132
VANDERHAM BROTHERS DAIRY	36-7379B	9/18/1973	0.27	STOCKWATER, COMMERCIAL	
VANDERHAM BROTHERS DAIRY	36-8554	5/13/1990	0.23	STOCKWATER, COMMERCIAL, DOMESTIC	
VANDERHAM, DANNY C	36-8636	9/23/1997	1	STOCKWATER, COMMERCIAL, DOMESTIC	
VANDERVEGT, RAY	36-7460J	3/25/1974	1.23	IRRIGATION	69
VANDERVEGT-GIBSON, IRENE	36-7517	12/17/1974	4	IRRIGATION	556
VASQUAZ, DUFIA; VASQUAZ, J REUBEN	36-10243*	5/1/1985	0.4	IRRIGATION	205
VEENHOUWER FAMILY FARMS LLC	36-8060	2/9/1982	0.2	COMMERCIAL	
VEENHOUWER FAMILY FARMS LLC	36-8422	4/20/1989	0.2	STOCKWATER, COMMERCIAL	
VEENSTRA FAMILY LTD PARTNERSHIP	36-16706	3/25/1974	2.34	IRRIGATION	132

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VEENSTRA, FRANK W	36-15077*	4/1/1982	0.91	IRRIGATION	198.5
VEENSTRA, FRANK W	36-16748	8/16/1973	0.05	STOCKWATER, COMMERCIAL	
VEENSTRA, FRANK W	36-7666A	1/5/1977	1.64	IRRIGATION	82
VEENSTRA, FRANK W	36-7666B	1/5/1977	0.66	STOCKWATER, COMMERCIAL	
VEENSTRA, FRANK W; VEENSTRA, MARY	36-15207	7/29/1988	0.04	DOMESTIC	
VEENSTRA, FRANK W; VEENSTRA, MARY	36-7472	5/8/1974	2.16	IRRIGATION	157
VEENSTRA, FRANK W; VEENSTRA, MARY	36-7526	3/24/1975	5.08	IRRIGATION	306
VEENSTRA, FRANK W; VEENSTRA, MARY JANE	36-8100	7/13/1982	0.15	IRRIGATION, STOCKWATER, DOMESTIC	5
VEENSTRA, FRANK; VEENSTRA, MARY JANE	36-15206	7/29/1988	0.24	STOCKWATER	
VERBREE LAND HOLDINGS LLC	36-15998	4/8/1975	0.38	IRRIGATION	211.5
VERBREE LAND HOLDINGS LLC	36-15999	4/8/1975	0.3	STOCKWATER, COMMERCIAL	
VERBREE LAND HOLDINGS LLC	36-16460	2/15/1974	7.3	IRRIGATION	471.5
VERBREE LAND HOLDINGS LLC	36-7535	4/9/1975	4.34	IRRIGATION	305
VERBREE LAND HOLDINGS LLC	36-7571	10/14/1975	1.5	IRRIGATION	305
VERBREE LAND HOLDINGS LLC	36-7604	3/11/1976	5.74	IRRIGATION	906
VERBREE LAND HOLDINGS LLC	36-7640	10/8/1976	2.13	IRRIGATION	108
VERBREE LAND HOLDINGS LLC	36-7706	5/25/1977	1.45	IRRIGATION	136
VERBREE LAND HOLDINGS LLC	36-7788A	4/8/1978	1.94	IRRIGATION	889
VERBREE LAND HOLDINGS LLC	36-7788B	4/8/1978	0.28	IRRIGATION	500
VERBREE LAND HOLDINGS LLC	36-8079	4/15/1982	0.06	STOCKWATER, COMMERCIAL, DOMESTIC	
VERBREE LAND HOLDINGS LLC	36-8199	6/15/1983	0.2	STOCKWATER, COMMERCIAL	
VERBREE LAND HOLDINGS LLC	36-8351	6/15/1988	0.19	STOCKWATER, COMMERCIAL, DOMESTIC	
VERBREE LAND HOLDINGS LLC	36-8666	7/10/1992	0.27	STOCKWATER, COMMERCIAL, DOMESTIC	
VICTOR, SALLY; VICTOR, STEVE	36-8128	12/30/1982	0.03	COMMERCIAL	
VILLAGE ENTERPRISES LLC	45-7662A	8/2/1989	0.6	IRRIGATION, COMMERCIAL, DOMESTIC, RECREATION	5
VILLAGE ENTERPRISES LLC	45-7662B	8/2/1989	0.46	IRRIGATION, RECREATION	20
VIRGIL & AMA LEE BROCKMAN FAMILY TRUST	36-7623	4/13/1976	0.64	IRRIGATION, COMMERCIAL	27
VISSER, CAROL; VISSER, TONY	36-7366A	8/13/1973	2.83	IRRIGATION	141.5
W 4 DAIRY	36-16569	2/8/1977	2.89	IRRIGATION	308
W 4 DAIRY	36-16578	2/20/1990	0.42	IRRIGATION	308
W 4 DAIRY	36-16587*	3/15/1987	0.03	IRRIGATION	308
WAHLSTROM, LESLIE; WAHLSTROM,	36-8612	10/24/1991	0.03	IRRIGATION	1
WALKER, AUSTIN RAY; WALKER, JONI	45-7235	4/4/1975	0.83	IRRIGATION	170.6
WALL, DIANA R; WALL, LARRY G	36-8451	9/28/1989	0.02	COMMERCIAL	
WARD, ALLAN	45-14340	6/30/1985	0.01	IRRIGATION	27.9
WARD, AMY RAE; WARD, STANLEY	37-7695	2/7/1977	2.59	IRRIGATION	198
WARD, DANIEL G; WARD, KARLA	36-16333	5/16/1980	0.05	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	36-16335*	5/26/1971	0.02	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	36-7717	5/26/1977	0.07	STOCKWATER, COMMERCIAL	
WARD, DANIEL G; WARD, KARLA	45-14425	6/30/1985	0.25	IRRIGATION	294.8
WARD, DANIEL G; WARD, KARLA	45-7259	2/9/1976	4.03	IRRIGATION	313
WARNER, GARALD; WARNER, SARA	37-7679	9/23/1977	0.12	IRRIGATION	6
WARNER, THOMAS	36-7486	6/27/1974	2.4	IRRIGATION	120
WARNER, THOMAS	36-7498	8/19/1974	0.8	IRRIGATION	40
WARREN, DAVID L; WARREN, SANDRA L	45-13567*	11/14/1983	0.21	IRRIGATION	163
WARTLUFT, HAROLD; WARTLUFT, LOIS	37-8375	8/11/1988	0.15	IRRIGATION, DOMESTIC	3.5
WATERS, LINDA K; WATERS, TIM H	36-7613	2/26/1976	1.6	IRRIGATION	701

\* Enlargement right subordinate to rights earlier than April 12, 1994

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
WATERS, LINDA K; WATERS, TIM H	36-7703	5/10/1977	3.57	IRRIGATION	198
WAUNA VISTA PARK HOMEOWNERS ASSN	36-8720	2/4/1994	0.03	IRRIGATION	0.7
WAYMENT FARMS INC	45-13413	6/30/1985	0.75	IRRIGATION	791.8
WAYNE C ANDERSEN LLC	45-10310*	5/1/1978	4.04	IRRIGATION	1265
WAYNE C ANDERSEN LLC	45-11728	6/30/1985	1.25	IRRIGATION	465
WAYNE C ANDERSEN LLC	45-14246	6/30/1985	2.13	IRRIGATION	941.5
WAYNE C ANDERSEN LLC	45-7347	6/29/1978	4.5	IRRIGATION	1265
WAYSIDE ESTATES INC	36-7970	3/10/1981	0.2	DOMESTIC	
WEBER, JEFF L; WEBER, KERI JO	37-20848	10/6/1977	8.28	IRRIGATION	634
WEBER, JEFF L; WEBER, KERI JO	37-20850*	3/15/1983	0.4	IRRIGATION	634
WEL IDAHO REAL ESTATE LLC	37-8289	2/23/1987	0.11	COMMERCIAL	
WENDELL CEMETERY DISTRICT	36-8242	4/10/1984	0.2	IRRIGATION	10
WERT, LOREN; WERT, RITA	36-8000	9/11/1981	0.8	IRRIGATION	40
WEST ONE BANK IDAHO	36-15215*	3/15/1972	1.1	IRRIGATION	609
WEST ONE BANK IDAHO	36-7528	3/27/1975	1.08	IRRIGATION	609
WEST SLOPE FARMS INC	45-11022*	5/1/1966	0.37	IRRIGATION	884
WEST SLOPE FARMS INC	45-14404	6/30/1985	0.02	IRRIGATION	884
WEST, JIM	37-8222	8/5/1985	0.03	STOCKWATER	
WESTERN DAIRYMEN COOPERATIVE INC	36-7492B	7/31/1974	3.96	IRRIGATION	198
WESTERN FARM SERVICE INC	36-8341	11/25/1987	0.08	COMMERCIAL	
WESTERN FARM SERVICE INC	45-7648	6/13/1989	0.2	COMMERCIAL	
WESTERN IDAHO POTATO PROCESSING CO	36-8324	4/3/1987		2 FIRE PROTECTION	
WESTERN MORTGAGE & REALTY CO	36-10863A*	5/1/1970	2.57	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-10863B*	5/1/1970	0.03	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-11290*	5/1/1985	0.06	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-11340*	4/1/1972	0.97	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-15234*	3/15/1971	1.14	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-15264A*	8/24/1966	0.68	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-15264B*	8/4/1979	0.71	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-15567	2/20/1990	1.54	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-15616*	7/13/1971	0.17	IRRIGATION	260
WESTERN MORTGAGE & REALTY CO	36-15617*	7/13/1971	0.03	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-15621	2/8/1977	3.34	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16456*	3/15/1984	0.1	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16582*	3/15/1987	0.09	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16585*	3/15/1987	0.96	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16689	5/22/1974	4.68	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16690	9/10/1984	5.52	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16692	9/10/1984	0.11	IRRIGATION	5.4
WESTERN MORTGAGE & REALTY CO	36-16814	2/20/1990	11.33	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-16815	2/20/1990	3.9	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-16816	2/20/1990	0.16	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-4006*	7/14/1977	1.7	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7391	10/12/1973	0.11	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7476B	5/22/1974	1.8	IRRIGATION	2969.3
WESTERN MORTGAGE & REALTY CO	36-7580B	11/21/1975	0.07	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7580C	11/21/1975	3.53	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7580D	11/21/1975	0.32	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7611B	2/25/1977	4.29	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7627	6/7/1976	5.57	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-7795A	5/26/1978	1.58	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-7795B	5/26/1978	0.06	IRRIGATION	8627.4

\* Enlargement right subordinate to rights earlier than April 12, 1994

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversión Rate (cfs)	Purpose of Use	Total Acres
WESTERN MORTGAGE & REALTY CO	36-7830B	11/9/1978	1.71	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068B	3/4/1982	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068D	3/4/1982	0.04	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068E	3/4/1982	2.17	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8068F	3/4/1982	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8069N	3/4/1982	0.03	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8069P	3/4/1982	3.34	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8069Q	3/4/1982	0.05	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8227	6/30/1983	1.91	IRRIGATION	5063
WESTERN MORTGAGE & REALTY CO	36-8274A	7/4/1985	0.28	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8274B	7/4/1985	2.04	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8275B	5/9/1985	2.46	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8404	3/1/1989	2.1	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8475	10/31/1989	2.64	IRRIGATION	8627.4
WESTERN MORTGAGE & REALTY CO	36-8777	3/4/1982	1.12	IRRIGATION	8627.4
WESTWAY TRADING	36-8765	4/7/1997	0.04	DOMESTIC	
WG FARMS LLC	36-15356A*	6/30/1973	0.22	IRRIGATION	4382.7
WG FARMS LLC	36-15380*	4/1/1974	0.26	IRRIGATION	4382.7
WG FARMS LLC	36-7393	10/12/1973	0.78	IRRIGATION	312
WG FARMS LLC	36-7399	10/30/1973	4.83	IRRIGATION	4382.7
WG FARMS LLC	36-7531	3/31/1975	1.6	IRRIGATION	80
WG FARMS LLC	36-8107	8/10/1982	0.76	IRRIGATION	312
WG FARMS LLC	36-8212	6/22/1983	1.16	IRRIGATION	4382.7
WG FARMS LLC	36-8213	6/22/1983	2.04	IRRIGATION	4382.7
WG FARMS LLC	36-8257	12/6/1984	4.42	IRRIGATION	4382.7
WG FARMS LLC	36-8258	12/6/1984	8.7	IRRIGATION	4382.7
WG FARMS LLC	36-8259	12/6/1984	5.2	IRRIGATION	4382.7
WHEELER, DEE RAY	36-8601	9/5/1991	0.06	IRRIGATION	2
WHEELER, DEE RAY; WHEELER, LINDA	36-8488	10/10/1989	0.03	COMMERCIAL	
WHITBY, BEVERLY A; WHITBY, ROBERT D	37-7581	1/9/1978	5.1	IRRIGATION	460
WHITELEY BROTHERS LLC	45-10414	6/30/1985	3.14	IRRIGATION	1426
WHITTAKER, JAMES A	37-8063	1/6/1983	2	IRRIGATION	658
WHITTAKER, KEITH	36-8553	7/9/1990	0.13	IRRIGATION	4.3
WHITWORTH, BOYD	45-7638	3/10/1989	0.06	INDUSTRIAL	
WICKEL, ARDEL W; WICKEL, JUDY M	45-13773*	3/15/1968	0.66	IRRIGATION	849
WICKEL, ARDEL W; WICKEL, JUDY M	45-7336	1/24/1978	4.38	IRRIGATION	849
WICKEL, ARDEL W; WICKEL, JUDY M	45-7449	7/15/1980	0.41	IRRIGATION, STOCKWATER	849
WICKEL, ARDEL W; WICKEL, JUDY M	45-7471	5/22/1981	1.36	IRRIGATION	849
WILCOX, FRANCIS; WILCOX, MARGARET	36-8515	3/2/1990	0.03	IRRIGATION	1
WILD WEST INC	37-21719	3/22/2006	0.11	DOMESTIC	
WILFERTH, CONNIE; WILFERTH, DON E	36-7594	12/16/1975	0.14	IRRIGATION	7
WILLIE, DANIEL L	36-16116	5/16/1980	0.07	MITIGATION	
WILLIE, DANIEL L	36-16124*	5/26/1971	0.03	MITIGATION	
WILSON, DIANA J; WILSON, ROBERT E	36-7892	2/4/1980	0.06	IRRIGATION, DOMESTIC	1.4
WISE, EARL; WISE, INEZ	36-8638	1/7/1992	0.04	IRRIGATION, DOMESTIC	1
WLR LC	36-16568	2/8/1977	10.14	IRRIGATION	1076
WLR LC	36-16577	2/20/1990	1.5	IRRIGATION	1076
WLR LC	36-16586	3/15/1987	0.09	IRRIGATION	1076
WOOD RIVER RANCH CO INC	36-8312	8/15/1986	0.05	STOCKWATER	
WOODLAND, ALAN; WOODLAND, DEBRA	36-16517*	3/15/1984	0.93	IRRIGATION	307
WOODLAND, ALAN; WOODLAND, DEBRA	36-16518*	3/15/1984	0.12	IRRIGATION	32
WOODLAND, MICHAEL D	36-7930	8/11/1980	3.68	IRRIGATION	200
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-15179*	3/15/1975	0.94	IRRIGATION	531

\* Enlargement right subordinate to rights earlier than April 12, 1994

Water Rights Subject to Curtailment - Rangen Delivery Call

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Purpose of Use	Total Acres
WOODLAND, MICHAEL D; WOODLAND, PATRICIA	36-7461	3/26/1974	8.35	IRRIGATION	548
WOODWARD, ARLEN; WOODWARD, WOODWARD, RODGER; WOODWARD, RUTH	36-8194	5/24/1983	0.03	IRRIGATION	1
	36-8214	6/27/1983	0.04	IRRIGATION, DOMESTIC	1
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562C	1/21/1974	0.6	IRRIGATION	30
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562D	1/21/1974	0.12	STOCKWATER, COMMERCIAL	
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562E	1/21/1974	0.15	IRRIGATION	30
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7562F	1/21/1974	0.05	STOCKWATER, COMMERCIAL	
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7622A	4/29/1976	0.45	IRRIGATION	30
WRIGHT, CECELIA W; WRIGHT, JOHN W	36-7622B	4/29/1976	0.15	STOCKWATER, COMMERCIAL	
WRIGLEY, DON; WRIGLEY, EDITH; WRIGLEY, MAVIS; WRIGLEY, RICK; WRIGLEY, VERLA	45-7155A	10/12/1973	2.29	IRRIGATION	296
WRIGLEY, DON; WRIGLEY, EDITH; WRIGLEY, MAVIS; WRIGLEY, RICK; WRIGLEY, VERLA	45-7166B	2/3/1974	2.29	IRRIGATION	296
WRIGLEY, DON; WRIGLEY, GALE; WRIGLEY, JAYE; WRIGLEY, RICK	45-7166D	2/3/1974	2	IRRIGATION	172.5
WRIGLEY, EDITH; WRIGLEY, RICK	45-13565	10/12/1973	2.18	IRRIGATION	280
WRIGLEY, EDITH; WRIGLEY, RICK	45-7166C	2/3/1974	2.18	IRRIGATION	280
WYATT, GRANT M	45-13541	6/30/1985	2.09	IRRIGATION	479
WYBENGA DAIRY LLC	45-13418	10/31/1974	5.24	IRRIGATION	1223
WYBENGA DAIRY LLC	45-13440	1/4/1975	2.11	IRRIGATION	1223
WYBENGA DAIRY LLC	45-13442	10/31/1974	5.45	IRRIGATION	1223
WYBENGA DAIRY LLC	45-13444	6/30/1978	2.31	IRRIGATION	1223
WYBENGA DAIRY LLC	45-7196B	1/4/1975	2.03	IRRIGATION	1223
WYBENGA DAIRY LLC	45-7345B	6/30/1978	2.22	IRRIGATION	1223
WYBENGA, DARLA; WYBENGA, STEVE	45-13423	1/4/1975	0.25	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE	45-13425	10/31/1974	0.63	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE	45-13427	6/30/1978	0.27	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE	45-13976	1/4/1975	0.06	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE	45-13978	10/31/1974	0.16	STOCKWATER, COMMERCIAL	
WYBENGA, DARLA; WYBENGA, STEVE	45-13980	6/30/1978	0.07	STOCKWATER, COMMERCIAL	
WYNN DEWSNUP FAMILY REVOCABLE TRUST	36-15217*	3/15/1968	0.76	IRRIGATION	176
YERION, GEORGE A; YERION, SUSAN F	37-20717	4/29/2002	0.1	IRRIGATION	3.3
YOUNG, ELIZABETH A	37-7782	6/5/1979	0.14	IRRIGATION, DOMESTIC	3
YOUNG, KAREN W; YOUNG, ROSS M	37-7621E	6/7/1977	0.67	IRRIGATION	34
ZION LUTHERAN CHURCH	45-7167	2/13/1974	0.06	IRRIGATION	2.1

\* Enlargement right subordinate to rights earlier than April 12, 1994

## EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the service date of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
  - (a) The petition for reconsideration is disposed of; or
  - (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.
- (7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days: a) of the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

# **Exhibit 7**

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF WATER ) Docket No. CM-DC-2014-004  
TO WATER RIGHTS HELD BY RANGEN, INC., )  
WATER RIGHT NOS. 36-00134B, 36-00135A, ) **ORDER DENYING MOTION**  
AND 36-15501 ) **FOR SUMMARY JUDGMENT;**  
) **ORDER REGARDING**  
) **PRESENTATION OF**  
) **EVIDENCE**  
)  
\_\_\_\_\_)

**PROCEDURAL BACKGROUND**

On June 27, 2014, Rangen, Inc. (“Rangen”), filed *Rangen, Inc.’s Petition for Delivery Call* (“2014 Call”) requesting the Director “find that Rangen has suffered, and will suffer, material injury to Rangen’s 1884 [water right no. 36-134B], 1908 [water right no. 36-135A], and 1957 [water right no. 36-15501] Water Rights as a result of junior-priority ground water pumping in the [Eastern Snake Plain Aquifer (“ESPA”)]. . . .” *2014 Call* at 9. Rangen asked the Director to administer and distribute water in the ESPA in accordance with the prior appropriation doctrine and curtail junior-priority ground water pumping as necessary to deliver Rangen’s water. *Id.* at 9-10.

The cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (“Cities”) filed the *Coalition of Cities’ Petition to be Designated a Respondent or Alternatively to Intervene* on July 3, 2014. The City of Pocatello (“Pocatello”) filed *City of Pocatello’s Petition to be Designated a Respondent or Alternatively to Intervene* on July 11, 2014. On July 15, 2014, Fremont Madison Irrigation District and Madison Ground Water District filed a *Notice of Appearance*. Idaho Ground Water Appropriators, Inc. (“IGWA”), filed *IGWA’s Petition to Intervene* on July 17, 2014. The Director entered orders designating the Cities and Pocatello as respondents and an order granting IGWA’s petition to intervene on July 23, 2014.

On September 26, 2014, Rangen filed *Rangen, Inc.’s Motion for Summary Judgment* (“Motion”); *Rangen, Inc.’s Memorandum in Support of Motion for Summary Judgment* (“Memorandum”); and the *Affidavit of J. Justin May in Support of Motion for Summary Judgment* (“May Affidavit”). On October 13, 2014, the Cities, Pocatello, and IGWA separately filed responsive documents in opposition to the Motion. *Coalition of Cities’ Response to*

*Rangen, Inc.'s Motion for Summary Judgment* (“Cities’ Response”); *Pocatello’s Response to Rangen’s Motion for Summary Judgment* (“Pocatello’s Response”); and *IGWA’s Brief in Opposition to Rangen’s Motion for Summary Judgment* (“IGWA’s Response”).

On October 21, 2014, Rangen filed a *Notice of Withdrawal of Rangen, Inc.’s Petition for Delivery Call as to Water Right Nos. 36-134B and 36-135A*.<sup>1</sup> Rangen filed *Rangen, Inc.’s Reply Memorandum in Support of Motion for Summary Judgment* (“Reply”) and *Rangen, Inc.’s Supplemental Affidavit of J. Justin May in Support of Motion for Summary Judgment* (“Supplemental Affidavit”) on October 24, 2014.

A hearing was held at the Department’s state office in Boise, Idaho on October 29, 2014, wherein oral argument was heard regarding the Motion.

### FINDINGS OF FACT

1. In its Motion, Rangen requests the Director enter an order finding Rangen has suffered material injury to water right no. 36-15501 as a result of junior-priority ground water pumping in the ESPA. *Motion* at 1. Rangen also requests the Director enter an order finding the defenses to Rangen’s claim of material injury were previously adjudicated and rejected. *Id.* at 2. Rangen asks the Director to immediately administer and distribute water in the ESPA in accordance with the prior appropriation doctrine and curtail junior-priority ground water pumping as necessary to deliver Rangen’s water. *Id.*

2. In support of its Motion, Rangen points to orders previously issued by the Director in the matter of Rangen’s December 13, 2011, *Petition for Delivery Call* (“2011 Call”) wherein Rangen alleged it is not receiving all the water it is entitled to pursuant to water right nos. 36-02551 and 36-07694, and is being materially injured by junior-priority ground water pumping.

3. Rangen did not allege injury to water right no. 36-15501 in the 2011 Call, but Rangen asserts the Director “already made all of the factual and legal determinations necessary” and the Department possesses all of the water measurement information it needs to evaluate the 2014 Call. *Memorandum* at 1. Rangen concludes “[t]here is simply no need for the evidentiary hearing scheduled for November 2014 . . .” *Id.*

### **Prior Orders Relevant to this Proceeding**

#### A. Curtailment Order

4. In the 2011 Call, the Director issued the *Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* (“Curtailment Order”). The Director concluded his material injury determination could only focus on water diverted by Rangen from the Curren Tunnel because the source element on Rangen’s partial decrees issued in the Snake River Basin Adjudication (“SRBA”) for water right

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<sup>1</sup> Because of this filing, arguments regarding water right nos. 36-134B and 36-135A are considered withdrawn and will not be addressed in this order.

nos. 36-02551 and 36-07694 is unambiguously described as “Martin-Curren Tunnel.” *Curtailment Order* at 32-33. However, the Director acknowledged Rangen has historically diverted water from Billingsley Creek at the Bridge Diversion located outside the 10 acre tract described on Rangen’s water rights. *Id.* at 32.

5. In the Curtailment Order, the Director explained that CM Rule 42 lists the factors the Director may consider in determining whether Rangen is suffering material injury and using water efficiently and without waste. *Curtailment Order* at 31. The Director determined factors relevant to the proceeding, using CM Rule 42’s lettering identifiers, included: (a) the amount of water available to Rangen from its decreed source; (b) the effort or expense of Rangen to divert water from the source; (c) whether the junior ground water rights affect the quantity and timing of when water is available; . . . (e) the amount of water being diverted and used compared to the water rights; (f) the existence of water measuring devices; (g) [i]whether Rangen’s needs could be satisfied with the user’s existing facilities and water supplies and [ii] the reasonableness of Rangen’s diversions and activities; and (h) whether the senior water right could be met using alternate reasonable means of diversion or alternate points of diversion. *Id.* at 31-32. The Director examined these factors with respect to water right nos. 36-02551 and 36-07694 and concluded Rangen is being materially injured by junior-priority ground water pumping. *Id.* at 32-36.<sup>2</sup>

6. The Cities argue that water right no. 36-15501 was not analyzed in the 2011 Call and, therefore, without examination of that water right and a fully developed record, it would be inappropriate to find material injury on summary judgment. *Cities’ Response* at 13. However, at oral argument on the Motion, counsel for the Cities admitted that, given water right no. 36-15501 is diverted from the same source, point of diversion, and for the same purpose of use as water rights at issue in the 2011 Call (36-02551 and 36-07694), some limit on the presentation of evidence regarding material injury at the hearing on the 2014 Call may be appropriate.

#### B. Notice of Violation

7. Shortly after issuance of the Curtailment Order, on January 31, 2014, the Department issued a *Notice of Violation and Cease and Desist Order* requiring Rangen to cease diverting water from the Bridge Diversion. After a compliance conference, the Department issued a *Consent Order and Agreement* authorizing Rangen to continue diverting water from the Bridge Diversion.

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<sup>2</sup> The Eastern Snake Plain Aquifer Model (“ESPAM”) is a calibrated regional ground water model representing the ESPA. In the Curtailment Order, the Director adopted ESPAM 2.1 to model the stresses to the ESPA related to Rangen’s delivery call. In applying ESPAM 2.1, the Director imposed a trim line corresponding with a geological feature referred to as the Great Rift. *Curtailment Order* at 40. ESPAM 2.1 simulations predicted that 9.1 cfs of the decline in the flow from the Curren Tunnel could be attributed to junior-priority ground water pumping west of the Great Rift and in the area of common ground water supply. *Id.* at 35. The Director ordered that holders of junior-priority ground water rights could avoid curtailment if they participate in a mitigation plan which provides “simulated steady state benefits of 9.1 cfs to Curren Tunnel or direct flow of 9.1 cfs to Rangen.” *Id.* at 42. The Curtailment Order explained that mitigation provided by direct flow to Rangen “may be phased-in over not more than a five-year period pursuant to CM Rule 40 as follows: 3.4 cfs the first year, 5.2 cfs the second year, 6.0 cfs the third year, 6.6 cfs the fourth year, and 9.1 cfs the fifth year.” *Id.*

8. The Cities, IGWA, and Pocatello argue that Rangen's Motion should be denied because Rangen's water supply exceeds its alleged material injury since Rangen is being allowed to divert water from the Bridge Diversion. *Cities' Response* at 3-7, *IGWA's Response* at 4, and *Pocatello's Response* at 5-6.

### C. Mitigation Plan Orders

9. On February 11, 2014, IGWA filed with the Department *IGWA's Mitigation Plan and Request for Hearing* ("Mitigation Plan") which set forth nine proposals to avoid curtailment imposed by the Curtailment Order. *Mitigation Plan* at 1-4. On April 11, 2014, the Director issued the *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* ("Mitigation Plan Order") which approved partial mitigation credit for only two Mitigation Plan proposals: (1) IGWA's past and ongoing aquifer enhancement activities (conversions from ground water irrigation to surface water irrigation, voluntary "dry-ups" of acreage irrigated with ground water through the Conservation Reserve Enhanced Program ("CREP") or other cessation of irrigation with ground water, and ground water recharge); and (2) exchange of irrigation water diverted from the Martin-Curren Tunnel by Howard (Butch) and Rhonda Morris (hereafter referred to in the singular as "Morris") with operational spill water from the North Side Canal Company ("Morris exchange agreement"). *Mitigation Plan Order* at 4.

10. The Director granted IGWA 1.2 cfs of transient mitigation credit for the annual period from April 1, 2014, through March 31, 2015, because of its past and ongoing aquifer enhancement activities. *Mitigation Plan Order* at 21. The Director also granted IGWA 1.8 cfs of mitigation credit for the annual period from April 1, 2014, through March 31, 2015, for direct delivery of surface water from the Martin-Curren Tunnel to Rangen via the Morris exchange agreement. *Id.* In total, the Director granted IGWA 3.0 cfs of total annual transient mitigation credit for the annual period from April 1, 2014, through March 31, 2015. *Id.* This was 0.4 cfs less than the 3.4 cfs mitigation requirement for that time period set forth in the Curtailment Order. *Id.* Accordingly, the Director used ESPAM 2.1 to calculate the priority date of junior ground water rights that must be curtailed during the 2014 irrigation season to provide 0.4 cfs to Rangen. The Director determined that ground water rights bearing priority dates junior or equal to July 1, 1983, must be curtailed to provide 0.4 cfs to Rangen. *Id.*

11. To derive the 1.8 cfs of mitigation credit in the Mitigation Plan Order, the twelve average irrigation season flow rates from the Martin-Curren Tunnel for the years 2002 – 2013 were averaged, resulting in a predicted average flow rate for the 2014 irrigation season of 3.7 cfs. *Mitigation Plan Order*. at 9-10. The Director allocated approximately 0.2 cfs<sup>3</sup> to account for senior water rights diverting from the Curren Tunnel and credited the Morris exchange agreement with providing an average flow of 3.5 cfs for 184 days (the number of days Morris irrigates crops), or a total volume of 644 24-hour second feet (3.5 cfs x 184 days). *Id.* at 12-13. Employing an annual time period to evaluate the average benefit, the Director determined IGWA

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<sup>3</sup> The Director allocated 0.14 cfs for Rangen's water right nos. 36-134B and 36-135A and 0.04 cfs for water diverted pursuant to Walter and Margaret Candy's water right no. 36-134A.

is entitled to 1.8 cfs of mitigation credit for the Morris exchange agreement (3.5 cfs x 184 days/365 days). *Id.*

12. On April 25, 2014, Rangen filed *Rangen's Motion for Reconsideration of Order Re: IGWA's Mitigation Plan; Order Lifting Stay; Amended Curtailment Order* ("Motion for Reconsideration"). That same day, IGWA filed a *Petition for Reconsideration and Clarification*.

13. In its Motion for Reconsideration, Rangen challenged the Director's method of determining mitigation credit for the Morris exchange agreement, arguing the Director should have also accounted for Rangen's 1957 water right no. 36-15501 in accounting for senior water rights diverting from the Curren Tunnel. *Motion for Reconsideration* at 2.

14. On May 16, 2014, the Director issued a *Final Order on Reconsideration* ("Order on Reconsideration") denying Rangen's Motion for Reconsideration, but determining some modifications to the Mitigation Plan Order were necessary. *Order on Reconsideration* at 16. Accordingly, the Director issued the *Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order*. The Director declined to adopt Rangen's suggested computation regarding calculation of mitigation credit for the Morris exchange agreement, stating:

If the Director were to adopt Rangen's suggested computation, the Director would unlawfully allocate water to Rangen's junior water right before allocating water to the senior water rights held by Morris. Rangen's water right no. 36-15501 bears a priority date of July 1, 1957. Morris' most junior water right shown in the table in Finding of Fact ¶ 27 has a priority date of December 1, 1908. Because Morris is entitled to the 3.[5] cfs before water right no. 36-15501 comes into priority, the Director will not change his computation of the mitigation credit to IGWA for exchange of irrigation water diverted from the Curren Tunnel.

*Order on Reconsideration* at 3. Rangen argues this statement by the Director "makes it clear that Rangen's 1957 right is not being satisfied and that all of the Martin-Curren Tunnel water is being allocated to Butch Morris' prior rights." *Reply* at 4.

### **Measurements of Flow from the Curren Tunnel**

15. Exhibit 3 attached to the *May Affidavit* provides the Department's measurements of discharge from the mouth of the Martin-Curren Tunnel between January 1, 2014, and June 4, 2014.

16. Exhibit 1 to the *Supplemental Affidavit* is an email exchange between counsel for the Department and counsel for Rangen explaining issues with the Department's measurement equipment in the Curren Tunnel resulted in installation of a new pressure transducer on March 5, 2014, and providing a measurement for August 22, 2014, that was not included in Exhibit 3 attached to the *May Affidavit*.

17. The total flow available from the Curren Tunnel source is the sum of tunnel discharge measured by the Department and flow in the six-inch PVC pipeline Rangen built to divert water from inside the tunnel. *Curtailment Order* at 11. Rangen began submitting flow data for the six-inch PVC pipe to the Department in 1996. *Id.* The Department's measurements of discharge from the mouth of Curren Tunnel do not include flow in the six-inch PVC pipe.

18. The Cities, Pocatello, and IGWA contend the data regarding measurement of Martin-Curren Tunnel water presented by Rangen in support of its Motion are incomplete, inaccurate, and insufficient to support a determination of material injury to water right no. 36-15501 on summary judgment. *Cities Response* at 15, *Pocatello's Response* at 6-7; *IGWA's Response* at 3.

## CONCLUSIONS OF LAW

### Idaho Law

1. "Summary judgment must be granted 'if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.' I.R.C.P. 56(c)." *Ida-Therm, LLC v. Bedrock Geothermal, LLC*, 154 Idaho 6, 8, 293 P.3d 630, 632 (2012). The Director must "construe all disputed facts and make all reasonable inferences in favor of the nonmoving party." *Pioneer Irr. Dist. v. City of Caldwell*, 153 Idaho 593, 596, 288 P.3d 810, 813 (2012).

2. Idaho Code § 42-603, which grants the Director authority to adopt rules governing water distribution, provides as follows:

The director of the department of water resources is authorized to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the rights of the users thereof. Promulgation of rules and regulations shall be in accordance with the procedures of chapter 52, title 67, Idaho Code.

In addition, Idaho Code § 42-1805(8) provides the Director with authority to "promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department."

3. It is the duty of a watermaster, acting under the supervision of the Director, to distribute water from the public water supplies within a water district among those holding rights to the use of the water in accordance with the respective priority of the rights subject to applicable Idaho law, including applicable rules promulgated pursuant to the Idaho Administrative Procedure Act. *See* Idaho Code §§ 42-602 and 607.

## CM Rules

4. In accordance with chapter 52, title 65, Idaho Code, rules regarding the conjunctive management of surface and ground water were adopted by the Department, effective October 7, 1994. IDAPA 37.03.11. The CM Rules prescribe procedures for responding to a delivery call made by the holder of a senior priority surface or ground water right against junior priority ground water rights in an area having a common ground water supply. IDAPA 37.03.11.001.

5. The CM Rules “give the Director the tools by which to determine ‘how the various ground and surface water sources are interconnected, and how, when, where and to what extent the diversion and use of water from one source impacts [others].’” *American Falls Reservoir Dist. No. 2 v. Idaho Dept. of Water Resources*, 143 Idaho 862, 878, 154 P.3d 433, 449 (2007) (citations omitted).

6. Generally, junior-priority ground water users are entitled to a hearing prior to curtailment. *Clear Springs Foods, Inc. v. Spackman*, 150 Idaho 790, 815, 252 P.3d 71, 96 (2011). Any hearing will determine whether the senior-priority water right holder is suffering material injury and whether both the senior-priority and junior-priority water right holders are diverting and using water efficiently without waste. IDAPA 37.03.11.040.03.

7. The burden is not on the senior-priority water right holder to re-prove an adjudicated water right. *American Falls*, 143 Idaho at 878, 154 P.3d at 449. In a delivery call, the Director must give a decree proper legal effect by establishing a presumption that the senior is entitled to his decreed quantity. *Id.* However, there may be some post-adjudication factors which are relevant to the determination of how much water is actually needed by the senior. *Id.* A determination in a delivery call proceeding that less than the decreed amount is needed must be supported by clear and convincing evidence. *A & B Irr. Dist. v. Idaho Dept. of Water Resources*, 153 Idaho 500, 524, 284 P.3d 225, 249 (2012).

8. Beneficial use acts as a measure and limit upon the extent of a water right. *In Matter of Distribution of Water to Various Water Rights Held By or For The Benefit of A & B Irrigation Dist.*, Docket Nos. 38191, 38192, 38193, slip op. at 14 (Idaho Dec. 17, 2013). A person claiming a right under a decree is not entitled to the use of more water than can be beneficially used. *Id.* The wasting of water is both contrary to Idaho law and is a recognized defense to a delivery call. “Neither the Idaho Constitution, nor statutes, permit...water right holders to waste water or unnecessarily hoard it without putting it to some beneficial use.” *American Falls*, 143 Idaho at 880, 154 P.3d at 451. “Simply put, a water user has no right to waste water. If more water is being diverted than can be put to beneficial use, the result is waste. Consequently, Idaho law prohibits a senior from calling for the regulation of juniors for more water than can be put to beneficial use.” *In the Matter of the Petition for Delivery Call of A & B Irrigation District for the Delivery of Ground Water and for the Creation of a Ground Water Management Area*, Memorandum Decision and Order on Petition for Judicial Review, Minidoka Dist. Court Case No. 2009-000647 at 31-32 (May 4, 2010) (Hon. E. Wildman).

9. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. Idaho Code § 67-5251(5); IDAPA 37.01.01.600. "Somewhere between the absolute right to use a decreed water right and an obligation not to waste it and to protect the public's interest in this valuable commodity, lies an area for the exercise of discretion by the Director." *American Falls*, 143 Idaho at 880, 154 P.3d at 451. This discretion is not unfettered, nor is it to be exercised without judicial oversight. *Id.* The courts determine whether the exercise of discretion is being properly carried out. *Id.*

### **Material Injury**

10. In considering a petition for delivery call, the Director must first determine whether the holder of a senior water right is suffering material injury and using water efficiently and without waste. Material injury is defined by the CM Rules as "[h]indrance to or impact upon the exercise of a water right caused by the use of water by another person as determined in accordance with Idaho Law, as set forth in Rule 42." IDAPA 37.03.11.010.14 (emphasis added). Material injury requires impact upon the exercise of a water right. *Clear Springs Foods*, 150 Idaho at 811, 252 P.3d at 92.

11. CM Rule 42 lists the factors the Director may consider in determining whether Rangen is suffering material injury and using water efficiently and without waste.

12. As the Director determined in the 2011 Call, factors listed in Rule 42 solely relevant to other beneficial uses, such as irrigation, should not be considered in this delivery call. The factors relevant in this proceeding, using CM Rule 42's lettering identifiers, include: (a) the amount of water available to Rangen from its decreed source; (b) the effort or expense of Rangen to divert water from the source; (c) whether the junior ground water rights affect the quantity and timing of when water is available; . . . (e) the amount of water being diverted and used compared to the water rights; (f) the existence of water measuring devices; (g) [i]whether Rangen's needs could be satisfied with the user's existing facilities and water supplies and [ii] the reasonableness of Rangen's diversions and activities; and (h) whether the senior water right could be met using alternate reasonable means of diversion or alternate points of diversion.

13. At oral argument on the Motion, the parties acknowledged that, given the source, point of diversion, and purpose of use for fish propagation of water right 36-15501 are identical to water rights at issue in the 2011 Call, some limitation on the presentation of evidence in the 2014 Call may be appropriate.

### **Presentation of Evidence Regarding CM Rule 42 Factors Relevant to this Proceeding**

#### **A. Source of Rangen's Water Supply**

14. Water right nos. 36-02551 and 36-07694 at issue in the 2011 Call authorize a total, cumulative diversion of 74.54 cfs for fish propagation. The source for these water rights is identified as Martin-Curren Tunnel and the point of diversion is described to the 10 acre tract: T07S R14E S32 SESWNW.

15. In the 2011 Call, the Director determined that, because the SRBA partial decrees for water right nos. 36-02551 and 36-07694 identify the source of the water as the Martin-Curren Tunnel, Rangen is limited to only water discharging from the Curren Tunnel. In addition, because the SRBA decrees list the point of diversion as T07S R14E S32 SESWNW, Rangen is restricted to diverting water that emits from the Curren Tunnel in the authorized 10-acre tract.

16. In this delivery call proceeding, the SRBA partial decree for water right no. 36-15501 authorizes a total diversion of 1.46 cfs for fish propagation. The source and point of diversion are identical to those identified for water rights at issue in the 2011 Call.

17. In accordance with the Director's determination in the Curtailment Order with respect to water right nos. 36-02551 and 36-07694, Rangen is limited to only water discharging from the Curren Tunnel and diverted in T07S R14E S32 SESWNW pursuant to water right no. 36-15501. There is no need for presentation of evidence regarding the source of Rangen's water supply for water right no. 36-15501.

B. Whether Junior Ground Water Rights Affect the Quantity and Timing of When Water is Available

18. In the Curtailment Order, the Director concluded "as a result of declining spring flows, Rangen has been hindered in its ability to exercise its water rights from the Curren Tunnel." *Curtailment Order* at 36. The Director also concluded that ESPAM 2.1 is the best available science for simulating the impacts of ground water pumping. *Id.* at 37. ESPAM 2.1 simulations established that "[g]round water diversion have reduced the quantity of water available to Rangen for beneficial use of water pursuant to its water rights." *Id.* Using ESPAM 2.1, the Director determined 9.1 cfs of the decline in flow from Curren Tunnel that can be attributed to junior-priority ground water pumping west of the Great Rift and in the area of common groundwater supply. *Id.*

19. The Director concludes there is no need for additional evidence on the question of *whether* pumping by the junior ground water users has caused decline in flow from the Curren Tunnel. Furthermore, there is no need for additional evidence on the question of whether ESPAM 2.1 is the best science available and whether ESPAM 2.1 should be used to determine the amount of decline attributable to junior ground water pumping. However, evidence may be presented at hearing in this matter regarding the extent of the decline that is attributable to junior ground water pumping using ESPAM 2.1.

20. The Director determined in the Curtailment Order that, if curtailment of ground water pumping results in an increase in the total flow of the spring complex in the Rangen model cell, 63% of that benefit will be realized at the Curren Tunnel. *Curtailment Order* at 23. The Director concludes there is no need for additional evidence regarding the percent of flow that will accrue to the Curren Tunnel as a result of curtailment versus the total spring flows in the Rangen model cell. The percentage that will be used to compute the quantity of water accruing to the Curren Tunnel as a result of curtailment is 63%.

C. Existing Facilities and Reasonableness of Water Use

21. In the Curtailment Order, the Director rejected suggestions that Rangen should modify the way it conducts research and raises fish at the Rangen Facility. The Director concluded Rangen's fish study processes are reasonable and Rangen is beneficially using water by raising fish to satisfy its contract with Idaho Power to sell fish on the open market. *Curtailment Order* at 34-35. The Director concluded Rangen's water use is reasonable. *Id.*

22. Because the source, point of diversion, and purpose of use for water right no. 36-15501 for fish propagation are identical to those for water rights at issue in the 2011 Call, the Director concludes there is no need for presentation of evidence in this matter with respect to the reasonableness of Rangen's water use pursuant to water right no. 36-15501.

D. Alternate Reasonable Means of Diversion or Alternate Points of Diversion; Effort or Expense to Divert Water from the Source; Reasonableness of Diversions by Junior-Priority Water Right Holders

23. In the 2011 Call, the Director rejected arguments that Rangen's needs could be met using alternate means of diversion and concluded that Rangen employs reasonable diversion and conveyance efficiency and conservation practices in diverting water from the Curren Tunnel. *Curtailment Order* at 36. The Director also concluded that, because Rangen's method of diversion is reasonable, the effort and expense by Rangen to divert water from the Curren Tunnel is also reasonable. *Id.*

24. Because the method of diversion for the water right at issue in this delivery call proceeding is identical to that for water rights at issue in the 2011 Call, the Director concludes there is no need for presentation of evidence in the 2014 Call regarding the reasonableness of Rangen's method of diversion or effort and expense to divert water from the Curren Tunnel.

25. In the Curtailment Order, the Director concluded "the junior-priority water right holders are using water efficiently and without waste." The Director concludes there is no need for presentation of evidence in the 2014 Call regarding the reasonableness of diversions by junior-priority water right holders.

E. Water Supply from Billingsley Creek

26. CM Rule 42.01.g explains the Director may consider, in a material injury determination, "[t]he extent to which the requirements of the holder of a senior-priority water right could be met with the user's existing facility and water *supplies*. . . ." IDAPA 37.03.11.042.01.g (emphasis added).

27. The Cities, IGWA, and Pocatello cite to CM Rule 42.01.g in support of their argument that Rangen's Motion should be denied because Rangen's water *supply* exceeds its alleged material injury because Rangen is being allowed to divert water from the Bridge Diversion.

28. CM Rule 42.01. refers to the “user’s . . . water supplies . . .” The reference infers ownership of some right to the supply of water. The phrase “user’s water supplies” more appropriately means other sources from which the calling party has the right to divert water. Examples are storage water held in reservoirs or supplemental ground water. In the Director’s Curtailment Order, the Director determined Rangen did not hold a water right for water diverted at the Bridge Diversion. At present, Rangen has no water right to divert water at the Bridge Diversion, and is diverting water only pursuant to the Consent Order and Agreement. The Director’s permission allowing Rangen to use the Bridge Diversion may be revoked at the Director’s discretion at any time. Furthermore, while both Rangen and IGWA have filed permit applications for the water that Rangen diverts at the Bridge Diversion, a hearing only recently concluded on those applications and a decision has not been issued. The Director will not consider water Rangen diverts from Billingsley Creek in a material injury analysis related to water right no. 36-15501.

F. Amount of Water Being Diverted; Amount of Water from the Decreed Source; Existence of Water Measuring Devices

29. The total flow available from the Curren Tunnel source is the sum of tunnel discharge measured by the Department and flow in six-inch PVC pipeline Rangen built to divert water from inside the tunnel.

30. Rangen attached Exhibit 3 to the *May Affidavit* and Exhibit 1 to the *Supplemental Affidavit* which provide the Department’s measurements of water discharging from the mouth of the Martin-Curren Tunnel between January 1, 2014, and June 4, 2014, and one measurement from August, 2014. These measurements do not include flow in the six-inch PVC pipe.

31. While Rangen asserts the Department has in its possession all the data it needs regarding discharge of water from the Curren Tunnel to find material injury to water right no. 36-15501 on summary judgment, Rangen has not provided, and the Department does not possess data regarding flow in the six-inch PVC pipe for 2014. In addition, except for the one measurement taken in August identified in Exhibit 1 to the Supplemental affidavit, Curren Tunnel flow data after June 2014 is not in the record. Finally, the parties dispute the accuracy of measurement data provided by Rangen in support of its Motion due to issues with the Department’s measurement equipment in the Curren Tunnel which resulted in installation of a new pressure transducer on March 5, 2014.

32. The Director must construe all disputed facts and make all reasonable inferences in favor of the nonmoving party on summary judgment. The Director cannot assume, based on incomplete data of discharges from the Martin-Curren Tunnel provided by Rangen in support of its Motion, that Rangen’s ability to divert water that discharges from the Curren Tunnel and is diverted in the 10-acre tract has diminished sufficiently that water right no. 36-15501 has been materially injured. Because there are genuine issues of material fact concerning this issue, the Director cannot find, as a matter of law, that Rangen is entitled to summary judgment and must deny Rangen’s Motion.

## Defenses to Rangen's Claims of Material Injury

33. Once the initial determination is made that material injury is occurring or will occur, the junior then bears the burden of proving that the call would be futile or to challenge, in some other constitutionally permissible way, the senior's call. *American Falls*, 143 Idaho at 878, 154 P.3d at 449. Any defense raised, such as waste or futile call, must be proven by clear and convincing evidence. *A&B Irr. Dist.*, 153 Idaho at 517, 284 P.3d at 242.

34. The Curtailment Order is currently on appeal in *Rangen, Inc., v. IDWR*, Twin Falls County Case No. CV-2014-1338. Judge Wildman issued his *Memorandum Decision and Order on Petitions for Judicial Review* ("Memorandum Decision") on October 24, 2014, which affirmed the Director on a number of issues, but held the Director erred by applying a trim line to reduce the zone of curtailment. *Memorandum Decision* at 28. The Memorandum Decision is not yet final. However, given this Memorandum Decision, the Director will not enter an order finding the defenses to Rangen's claim of material injury were previously adjudicated and rejected and will not limit the presentation of evidence regarding a trim line or futile call.

### ORDER

Based upon and consistent with the foregoing, the Director hereby ORDERS that Rangen's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that Rangen's request for an order limiting presentation of evidence regarding defenses to Rangen's claim of material injury to water right no. 36-15501 is DENIED.

IT IS FURTHER ORDERED that there is no need for presentation of evidence at the hearing in this matter regarding: (a) the source of Rangen's water supply, (b) whether pumping by the junior ground water users has caused decline in flow from the Curren Tunnel, (c) whether ESPAM 2.1 is the best science available, (d) whether ESPAM 2.1 should be used to determine depletions to spring flows attributable to junior ground water pumping, (e) the percent of flow accruing to the Curren Tunnel as a result of curtailment versus the total spring flows in the Rangen model cell, (f) the reasonableness of Rangen's water use pursuant to water right no. 36-15501, (g) the reasonableness of Rangen's method of diversion or effort and expense to divert water from the Curren Tunnel, (h) the reasonableness of the use of water by junior-priority water right holders, and (i) Rangen's use of water from the Bridge Diversion.

Dated this 3<sup>rd</sup> day of November 2014.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 3<sup>rd</sup>, 2014, I served a true and correct copy of the *Order Denying Motion for Summary Judgment; Order Regarding Presentation of Evidence* on the persons listed below by the method indicated.

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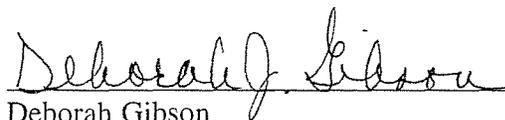
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