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Deputy Attorney General  
Chief, Natural Resources Division

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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 TWIN FALLS

RANGEN, INC.,

Petitioner,

vs.

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

Respondents,

and

IDAHO GROUND WATER  
APPROPRIATORS, INC. and SALMON  
FALLS LAND & LIVESTOCK CO.,

Intervenors.

Case No. CV-2014-2935

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

STATE OF IDAHO            )  
  ) ss  
County of Ada                )

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

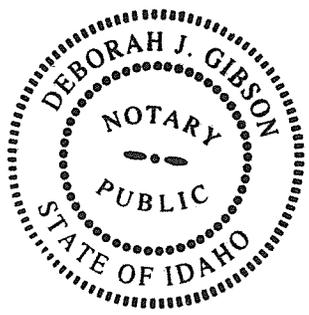
1.       That I am a deputy attorney general and represent the Respondents in the above-captioned matter.

2.       That on October 30, 2014, the Interventors Idaho Ground Water Appropriators, Inc. (“IGWA”), filed with the Department *IGWA’s Notice of Withdrawal of Second Mitigation Plan* and *IGWA’s Notice of Withdrawal of Transfer Application*. True and correct copies are attached as Exhibit “1”.

DATED this 31 day of October 2014.

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

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of October, 2014.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at Parma, Idaho  
Commission Expires: 12/6/18

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31 day of October, 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:

*Original to:*  
SRBA DISTRICT COURT  
253 3<sup>RD</sup> AVENUE NORTH  
PO BOX 2707  
TWIN FALLS ID 83303-2707  
Facsimile: (208) 736-2121

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(x) Hand Delivery  
~~(x) Facsimile~~  
( ) E-mail

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HAEMMERLE & HAEMMERLE  
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[fxh@haemlaw.com](mailto:fxh@haemlaw.com)

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TJ BUDGE  
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[tjs@magicvalleylaw.com](mailto:tjs@magicvalleylaw.com)

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\_\_\_\_\_  
GARRICK L. BAXTER  
Deputy Attorney General

# **Exhibit 1**

Randall C. Budge (ISB# 1949)  
Thomas J. Budge (ISB# 7465)  
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED  
201 E. Center St. / P.O. Box 1391  
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(208) 232-6109 - fax  
rcb@racinelaw.net  
tjb@racinelaw.net

*Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)*

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

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

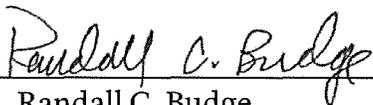
Docket No. CM-MP-2014-003

**IGWA'S NOTICE OF  
WITHDRAWAL OF SECOND  
MITIGATION PLAN**

Idaho Ground Water Appropriators, Inc. (IGWA), by and through its counsel, hereby gives notice of its withdrawal of its Second Mitigation Plan.

Dated this 30th day of October, 2014.

IDAHO GROUND WATER  
APPROPRIATORS, INC.

By:   
Randall C. Budge

## CERTIFICATE OF MAILING

I certify that on this 30th day of October, 2014, the foregoing document was served on the following persons in the manner indicate

*Randall C. Budge*

\_\_\_\_\_  
Signature of person mailing form

<p><b>Original:</b>            Director, Gary Spackman            Idaho Department of Water Resources            PO Box 83720            Boise, ID 83720-0098            Attn: Deborah Gibson  <a href="mailto:Deborah.Gibson@idwr.idaho.gov">Deborah.Gibson@idwr.idaho.gov</a>  <a href="mailto:Kimi.white@idwr.idaho.gov">Kimi.white@idwr.idaho.gov</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input checked="" type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-mail</p>
<p>John K. Simpson            Paul Arrington            BARKER ROSHOLT &amp; SIMPSON, LLP            195 River Vista Place, Suite 204            Twin Falls, Idaho 83301-3029  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a>  <a href="mailto:jlw@idahowaters.com">jlw@idahowaters.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-mail</p>
<p>Leo E. Ray            Big Bend Trout, Inc.            P.O. Box 479            Hagerman, Idaho 83330  <a href="mailto:fpi@fishbreedersofidaho.com">fpi@fishbreedersofidaho.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-mail</p>
<p>Michael J. Henslee, V.P.            Salmon Falls Land &amp; Livestock Co.            95-A Bell Rapids Road            Hagerman, Idaho 83332  <a href="mailto:mjhenslee@gmail.com">mjhenslee@gmail.com</a></p>	<p><input type="checkbox"/> U.S. Mail/Postage Prepaid  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> E-mail</p>

<p>Timothy J. Stover  WORST FITZGERALD &amp; STOVER  PLLC  P.O. Box 1428  Twin Falls, Idaho 83303  <a href="mailto:tjs@magicvalleylaw.com">tjs@magicvalleylaw.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
<p>Almer Huntley, Jr., President  Big Bend Irrigation &amp; Mining Co., Ltd.  2721 South 900 East  Hagerman, Idaho 83332  <a href="mailto:plspe@hotmail.com">plspe@hotmail.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
<p>Robyn Brody  Brody Law Office, PLLC  P.O. Box 554  Rupert, ID 83350-0554  <a href="mailto:robynbrody@hotmail.com">robynbrody@hotmail.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
<p>J. Justin May  May Browning &amp; May PLLC  1419 W Washington  Boise, ID 83702-5039  <a href="mailto:jmay@maybrowning.com">jmay@maybrowning.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
<p>Fritz X. Haemmerle  Haemmerle Haemmerle  P.O. Box 1800  Hailey, ID 83333-1800  <a href="mailto:fxh@haemlaw.com">fxh@haemlaw.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
<p>William A. Parsons  Parsons, Smith, Stone, Loveland  and Shirley, LLP  P.O. Box 910  Burley, Idaho 83318  <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail

Randall C. Budge (ISB# 1949)  
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tjb@racinelaw.net

*Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)*

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

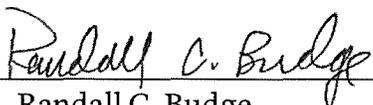
IN THE MATTER OF THE APPLICATION  
FOR TRANSFER OF WATER RIGHT NO.  
36-2055 (TRANSFER APPLICATION  
#79330) IN THE NAME OF NORTH  
SNAKE GWD, MAGIC VALLEY GWD,  
SOUTHWEST ID ON BEHALF OF THE  
OWNER, STATE OF IDAHO, DEPT. OF  
FISH AND GAME

**IGWA'S NOTICE OF  
WITHDRAWAL OF  
TRANSFER APPLICATION**

Idaho Ground Water Appropriators, Inc. (IGWA), by and through its counsel,  
hereby gives notice of its withdrawal of Transfer Application 79330.

Dated this 30th day of October, 2014.

IDAHO GROUND WATER  
APPROPRIATORS, INC.

By:   
Randall C. Budge

## CERTIFICATE OF MAILING

I certify that on this 30th day of October, 2014, the foregoing document was served on the following persons in the manner indicate

*Randall C. Bridge*

\_\_\_\_\_  
Signature of person mailing form

<p><b>Original:</b> Idaho Department of Water Resources Southern Region 650 Addison Avenue West, Suite 500 Twin Falls, Idaho 83301</p>	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
<p>Garrick Baxter Idaho Department of Water Resources P. O. Box 83720 Boise, Idaho 83720-0098 <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:kimi.white@idwr.idaho.gov">kimi.white@idwr.idaho.gov</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
<p>Robyn Brody Brody Law Office, PLLC P.O. Box 554 Rupert, ID 83350-0554 <a href="mailto:robynbrody@hotmail.com">robynbrody@hotmail.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
<p>J. Justin May May Browning &amp; May PLLC 1419 W Washington Boise, ID 83702-5039 <a href="mailto:jmay@maybrowning.com">jmay@maybrowning.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
<p>Fritz X. Haemmerle Haemmerle Haemmerle P.O. Box 1800 Hailey, ID 83333-1800 <a href="mailto:fxh@haemlaw.com">fxh@haemlaw.com</a></p>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail

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