

RECEIVED

MAR 25 2004

Department of Water Resources
Southern Region

J. Dee May, ISB #
J. Justin May, ISB #5818
MAY, SUDWEEKS & BROWNING, LLP
516 2nd Street East
P.O. Box 1846
Twin Falls, Idaho 83303-1846
Telephone: (208) 733-7180
Facsimile: (208) 733-7967
Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION
OF WATER TO WATER RIGHT NOS.
36-15501, 36-02551, AND 36-07694.

PETITION CONTESTING
MARCH 10, 2004 AMENDED
ORDER

COMES NOW, Rangen, Inc. ("Rangen"), by and through its attorneys, May, Sudweeks & Browning, LLP and files this Petition contesting the Amended Order in the above-entitled matter issued March 10, 2004 by the Director of the Department of Water Resources.

The contested Order was issued in response to Rangen's demand for delivery of water made by letter dated September 23, 2003. The contested Order recognizes that Rangen's water rights are not being fully satisfied and provides for the curtailment of ground water rights within Water District 130 junior to July 13, 1962. Curtailment was to begin on April 1, 2004 absent mitigation as specified in the Order. While the Order acknowledges that Rangen is not receiving sufficient water to fully satisfy its various rights, the Order fails to recognize and protect the full extent of Rangen's water rights according to Idaho Law and the doctrine of prior appropriation.

On March 11, 2004, the Idaho Dairymen's Association filed its Petition Requesting an Idaho Code Section 42-1701A Hearing, Request for Stay of Delivery Call

PETITION CONTESTING MARCH 10, 2004
AMENDED ORDER - 1

Order, and Petition to Intervene. Various others have subsequently filed petitions and objections contesting the order on a number of different grounds. There is therefore already a contested case in this matter.

Rangen and various other interested parties including the State of Idaho have negotiated a one-year agreement that provides among other things for mitigation that is different from the required mitigation specified in the contested Order. The agreement also provides that Rangen and other spring water users will not make or pursue calls during the period of the Agreement. This Eastern Snake Plain Aquifer Mitigation, Recovery, and Restoration Agreement has been submitted as a replacement for the mitigation plan proposed by the Ground Water Districts and this Matter has been consolidated with the contested case considering that mitigation plan for the limited purpose of considering that plan. The Director has indicated that this matter will be stayed until March 15, 2005, the period covered by the Agreement.

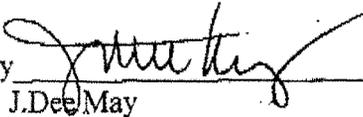
Rangen has executed the Agreement and consented to the stay in this matter and limited consolidation in order to allow for time to provide a long term solution for everyone. However, Rangen continues to maintain that the contested Order does not fully recognize the extent of Rangen's water rights as determined in the SRBA and that the contested order and the Conjunctive Management Rules pursuant to which it was issued violate Idaho Law and the doctrine of prior appropriation. Neither the mitigation provided for in the contested Order nor the mitigation provided in the Agreement fully mitigates the affect of junior water rights upon Rangen's senior priority water rights. Rangen reserves the right to respond to the various petitions and objections that have been or will be filed by other potential parties to this matter.

This petition is filed with the expectation and understanding that the Director will issue an order staying these proceedings until March 15, 2005 and that no hearing on Rangen's objections will be held until such a stay expires or is otherwise lifted. Rangen has entered into the Agreement and consented to the stay in this matter with the

expectation and based upon representations that its rights to object and be heard and to respond to other objections are fully preserved.

DATED This 15th day of March, 2004.

MAY, SUDWEEKS & BROWNING, LLP

By 

J. Dee May
Attorneys for Rangen, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2004, the above and foregoing was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Daniel Steenson
Charles L. Honsinger
Ringert Clark Chtd.
P. O. Box 2773
Boise, ID 83701-2773

Mike Creamer
Jeff Fereday
Givens Pursley
P. O. Box 2720
Boise, ID 83701-2720

John Simpson
Barker Rosholt
P. O. Box 2139
Boise, ID 83301

John Rosholt
Barker Rosholt
233 2nd St. N., Ste D
Boise, ID 83702

Magic Valley GWD
1099 N 400 W
Rupert
, ID 83350
Frank Erwin
Water Dist 36A
2628 South 975 East
Hagerman, ID 83332

North Snake GWD
152 E Main St.
Jerome, ID 83338

Cindy Yenter
Water Dist 130
1341 Fillmore St., Ste 200
Twin Falls, ID 83301-3380

Jason Miciak
P. O. Box 2632
Twin Falls, ID 83303-2632

Fritz Wonderlich
Wonderlich Wakefield
P. O. Box 1812
Twin Falls, ID 83303-1812

James Lochhead
Wayne Forman
Brownstein Hyatt
410 17th St, 22nd Floor
Denver, CO 80202

Bureau of Reclamation
Kathleen Carr
550 W Fort St. MSC-020
Boise, ID 83724

Scott Campbell
Moffatt Thomas
P. O. Box 829
Boise, ID 83701

R. C. Stone
Parsons Smith Stone
P. O. Box 910
Burley, ID 83318

Dana Hofstetter
Hofstetter Law Office
608 West Franklin
Boise, ID 8302

Roger Ling
Ling Robinson Walker
P. O. Box 396
Rupert, ID 83350-0396

Gene & Judy Fredericksen
200 North 349 East
Jerome, ID 83338

Jerome Country Club
P. O. Box 136
Jerome, ID 83338

Richard A. Dinges
Tunupa Ranch
2490 East 1700 South
Gooding, ID 83330

Neal & Nancy Bowman
402 South 750 East
Dietrich ID 83324

Ralph Stanley Ward
917 East 470 South
Dietrich, ID 83324

Jerry and Patty Nance
814 Hwy 24
Dietrich, ID 83324

Louis Leon Hubsmith
647 East 130 South
Dietrich, ID 83324

Delbert Kohtz
1135 Valley Road South
Eden, ID 83325

Vic Conrad
J. R. Simplot Co.
P. O. Box 27
Boise, ID 83707-0027

Chuck Brockway
Webb Basin Dairy
2016 N Washington St., Ste 4
Twin Falls, ID 83301

J. Tim Thomas
Deputy Attorney General
P. O. Box 7129
Boise, ID 83707-1129

Hubert & Rita Shaw
Shaw Land & Livestock
411 South 750 East
Dietrich, ID 83324

Michael Stevens
Lava Land & Livestock
P. O. Box 2249
Hailey, ID 83333

Vernon Ravenscroft
1328-B Shoestring Rd
Bliss, ID 83314

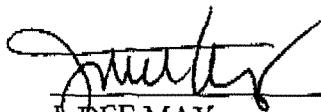
Arlen & Marylee Buerkle
343 South 300 West
Rupert, ID 83350

Ed & Alpha Mahler
366 N Meridian
Rupert, ID 83350

Donley Farms
Donald & Beverly Taber
501 East 20 North
Shoshone, ID 83352

Donald T. Bray
Scott Huxbold
P. O. Box 156
Bliss, ID 83314

Scott Jensen
Jensen Dairy Farm
660 West 300 South
Heyburn, ID 83336



J. DEE MAY