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APR 25 2014
DEPARTMENT OF
WATER RESOURCES

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

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

IN THE MATTER OF THE 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-2014-001

**IGWA's Petition for
Reconsideration and
Clarification**

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members, submits this petition for reconsideration and clarification of the *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan* ("Mitigation Plan Order") issued April 11, 2014, by the Director of the Idaho Department of Water Resources (IDWR).

1. Mitigation credit for recharge, conversions, and dry-ups.

The *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order") states that the holders of junior-priority groundwater rights may avoid curtailment if they participate in a mitigation plan which provides "simulated steady state benefits of 9.1 cfs to the Curren Tunnel . . ." ¹ Prior to the hearing, the IDWR produced a steady state calculation of mitigation

¹ Curtailment Order p. 42.

credits for recharge, conversions, and dry-up activities.² Rangen and IGWA both agreed with the IDWR's use of a steady-state calculation to determine the mitigation credit from these activities. IGWA presented evidence that a three-year moving average of steady-state mitigation benefits was a reasonable and appropriate means to calculate the mitigation credit prospectively. Neither Rangen nor the IDWR advocated for, or offered evidence to support, a different approach.

Had the IDWR applied a steady-state calculation as the Curtailment Order states, using a three-year moving average to calculate the 2014 credit, the mitigation credit for this year would be 1.8 cfs. Combined with the 1.8 cfs mitigation credit for water exchanged via the Sandy Pipe, this would have produced a total mitigation credit of 3.6 cfs, avoiding any curtailment from April 1, 2014, to March 31, 2015.

Instead, the Mitigation Plan Order applies a transient state calculation of mitigation credit for recharge, conversions, and dry-ups, producing a credit of only 1.2 cfs. Combined with the 1.8 cfs mitigation credit for water exchanged via the Sandy Pipe, this produced a mitigation credit of 3.0 cfs, resulting in a mitigation shortfall of 0.4 cfs, and pending curtailment of 25,000 acres.

Given that the Curtailment Order states that the mitigation credit for recharge, conversions, and dry-ups would be calculated on a steady-state basis, that both IGWA and Rangen agreed with the calculation on a steady-state basis, and that neither Rangen nor the IDWR presented evidence or argument to support a transient state calculation, IGWA respectfully asks the Director to reconsider calculating the mitigation credit on a steady-state basis, using a three year moving average to determine the 2014 credit.

If the IDWR refuses to reconsider its ruling on this issue, IGWA requests clarification of what evidence in the record supports a transient state calculation, and the legal basis on which the IDWR relies to support its application of a transient state calculation.

2. Mitigation credit for Sandy Ponds recharge.

IGWA has an approved mitigation plan that approves mitigation credit for recharge that occurs via the North Side Canal Company (NSCC) system and "other canal conveyance systems and other recharge sites located throughout the Eastern Snake Plain."³ Butch Morris and Lynn Carlquist

² Exhibit 1023.

³ Exhibit 1004.

both testified that they have observed recharge that occurs via the Sandy Ponds, which are owned by North Snake Ground Water District. Dr. Brendecke confirmed that recharge occurs by comparing the amount of water delivered to the Sandy Ponds to the amount of water withdrawn for irrigation and the amount of evaporation from the ponds.⁴ This data indicates that more than 40,000 acre-feet have been recharged via the Sandy Ponds since 2005. IDWR employee Jennifer Sukow testified that this evidence would enable the IDWR to calculate the benefit to Rangen from this recharge. Neither Rangen nor the IDWR put evidence into the record that recharge does not occur at the Sandy Ponds or that such recharge does not benefit Rangen.

IGWA has since run the ESPA Model with the recharge data placed into evidence. Without taking into account the benefits of recharge that will occur in 2014 (the response at the Rangen cell to Sandy Ponds recharge is relatively short), the Model shows a benefit of 0.2 cfs at Rangen for the April 2014-March 2015 time period.

The Mitigation Plan Order contains no findings of fact or conclusions of law concerning Sandy Ponds recharge. Therefore, IGWA requests clarification as to whether this recharge was included in the IDWR's calculation of the 1.2 cfs mitigation credit discussed on page 8 of the Order. If not, IGWA asks the IDWR to reconsider including this recharge in the mitigation credit calculation.

If the IDWR refuses to provide mitigation credit for Sandy Ponds recharge, IGWA requests clarification as to whether the IDWR (a) finds that recharge does not occur at the Sandy Ponds, (b) finds that recharge occurs at the Sandy Ponds but does not benefit Rangen, or (c) finds that recharge occurs at the Sandy Ponds and benefits Rangen, but declines to provide mitigation credit for this recharge. IGWA also requests clarification regarding the evidence in the record on which the IDWR relies, and the legal basis for, the IDWR's ruling on this issue.

3. Mitigation credit for IWRB recharge.

The Idaho Water Resource Board (IWRB) undertakes recharge designed to facilitate optimum use of Idaho's water resources by, among other things, "providing mitigation for junior ground water depletions."⁵ IGWA placed into evidence the amount of water recharged by the IWRB, and asked the IDWR to provide mitigation credit for these activities. The

⁴ See Excel file attached as Appendix A to IGWA's Post-Hearing Brief (Mar. 26, 2014).

⁵ 2012 Idaho State Water Plan p. 15.

Mitigation Plan Order does not address this evidence or state whether the IWRB recharge was included in the IDWR's calculation of mitigation credit for IWRB recharge activities.

IGWA requests clarification of whether mitigation credit has been provided for the IWRB recharge. If not, IGWA asks the IDWR to reconsider providing mitigation credit, as failing to do so would provide a windfall to Rangen and undermine a key purpose of IWRB recharge.

If the IDWR refuses to provide mitigation credit for IWRB recharge, IGWA requests clarification of whether the IDWR (a) finds that IWRB recharge does not benefit Rangen, or (b) finds that IWRB recharge benefits Rangen, but declines to provide mitigation credit for this recharge. IGWA also requests clarification of the evidence in the record on which the IDWR relies, and the legal basis for, the IDWR's ruling on this issue.

4. Mitigation credit for exchange well.

IGWA put evidence into the record that North Snake Ground Water District drilled a stockwater well for the Mussers to provide an alternate source of water to their 0.07 cfs water right number 36-102 from the Curren Tunnel. Butch Morris testified that this well is actively used to water approximately 500 head of cattle. This benefits Rangen by allowing it to divert 0.07 cfs year-round that would otherwise be delivered to the Mussers for stockwater use. Neither Rangen nor the IDWR presented any evidence to dispute this.

The Mitigation Plan Order contains no findings of fact or conclusions of law concerning mitigation credit for this water exchange. Please clarify whether this mitigation is included in the IDWR's calculation of the 3.0 cfs mitigation credit granted to IGWA for the first year of curtailment. If it was not, please add this to the mitigation credit.

If the IDWR refuses to provide mitigation credit for the stockwater well installed for the Mussers, please clarify whether the IDWR (a) finds that the stockwater well does not benefit Rangen, or (b) finds that the stockwater well does benefit Rangen, but declines to provide mitigation credit for this benefit. Please also clarify the evidence in the record on which the IDWR relies, and legal basis for, the IDWR's ruling on this issue.

5. Assignment of water right 36-16976 to Rangen.

IGWA presented evidence that it has a pending application for permit number 36-16976 to appropriate water from Billingsley Creek to mitigate Rangen's delivery call specifically. The Mitigation Plan Order rules that the IDWR can approve the use of this water right for mitigation "only if the

Director believes that the application can provide water to Rangen in the time of need, i.e. this year.”⁶ IGWA requests reconsideration of this finding.

The Rules for Conjunctive Management of Surface and Ground Water Resources⁷ (CM Rules) do not require that a mitigation plan be capable of being implemented immediately to be approved. Indeed, it would be entirely impractical to impose such a requirement. As with new water rights, mitigation plans may require engineering and construction that takes years to complete. This is why the IDWR approves new water rights even if it may take five years or more to develop them. There is no reason to hold mitigation plans to a higher standard.

Nothing in IGWA’s Mitigation Plan states or infers that the assignment of water right 36-16976 is to provide mitigation credit for only the first year of curtailment. By its nature, it is a permanent, long-term mitigation solution. Moreover, the IDWR may in fact enter a decision on application for permit 36-16976 this year, enabling this mitigation to be delivered this year. Therefore, IGWA asks the IDWR to remove from the Mitigation Plan Order the ruling that this mitigation proposal cannot be approved on the basis that it cannot be implemented this year.

If the IDWR refuses to make this change, IGWA requests clarification of (a) the legal basis on which the IDWR relies to conclude that this mitigation proposal cannot be approved if not implemented this year, and (b) the evidence in the record the IDWR relies upon to find that this mitigation proposal is incapable of being implemented this year.

The Mitigation Plan Order additionally denies this mitigation proposal on the basis that “IGWA essentially asked the Director to prejudge the application,” finding that since application for permit 36-16976 has not yet been approved, “the Director concludes that [this mitigation proposal] is too speculative to consider.”⁸ This ruling misapprehends IGWA’s Mitigation Plan, creates an unnecessary barrier to providing mitigation, is inconsistent with prior practice of the IDWR, and unnecessarily delays the delivery of mitigation water to Rangen under this proposal.

IGWA’s Mitigation Plan does not ask the Director to rule on the pending application for permit 36-16976 in this proceeding. To the extent this inference may be drawn, it shouldn’t be. IGWA understands that Rangen will not have the ability to divert water under water right 36-

⁶ Mitigation Plan Order p. 13, ¶ 31.

⁷ IDAPA 37.03.11.

⁸ *Id.*

16976, and IGWA will not receive mitigation credit, until the permit is approved. IGWA does not ask the Director to rule on application for permit 36-16976 in this proceeding. IGWA simply asks the Director to approve mitigation credit for the assignment of water right 36-16976 to Rangen *subject to* approval of the pending permit application.

Just as water right permits and transfers are regularly approved with conditions, the CM Rules anticipate that mitigation plans will often need to be approved with conditions, by providing that mitigation plans are subject to the same procedural provisions as transfer applications.⁹ As such, the IDWR has explicit authority to “approve the [mitigation plan] in whole, or in part, or upon conditions.”¹⁰ Thus, the Director has clear legal authority to approve this mitigation proposal subject to the granting of a permit for water right 36-16976.

This is what the IDWR did in the Snake River Farm over-the-rim mitigation plan proceeding. Even though implementation of that plan would require approval of water right transfers, the IDWR did not require those approvals in advance. Rather, the IDWR 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 Farm.¹¹

This makes practical sense. Given the time and costs involved in transferring water rights or obtaining new water rights, it is impractical to require junior water users to go through those processes before the IDWR will consider whether the water being transferred or appropriated will actually mitigate injury to the senior.

For example, IGWA’s Second Mitigation Plan seeks to deliver water to Rangen from Tucker Springs. The IDWR should not require IGWA to purchase water rights from Tucker Springs and obtain approval of a transfer application *before* determining whether additional water from Tucker Springs will actually mitigate injury to Rangen. Imposing this type of prerequisite would create a huge and unnecessary obstacle to mitigation.

A more practical procedure is for the junior to submit a mitigation plan that seeks to deliver additional water to the senior from a particular source, have the IDWR evaluate whether additional water from that source will benefit the senior, and, if so, approve the mitigation plan subject to the junior securing any transfers or permits necessary to deliver water to the senior from the proposed source.

⁹ CM Rule 43.03 (IDAPA 37.03.11.043.02).

¹⁰ Idaho Code § 42-222.

¹¹ Exhibit 1020.

The IDWR can and should do that here. Application for permit 36-16976 will, if approved, enable Rangen to divert water from Billingsley Creek that Rangen presently has no authority to divert, under an earlier priority date that Rangen is incapable of otherwise acquiring. The record shows that this water can be diverted at Rangen's Bridge diversion, or pumped up to the Small Raceways, if needed. This is first-use water that Rangen has been using for many years. While there may be speculation as to whether a permit will be granted for water right 36-16976, there is certainly no speculation that, if granted and assigned to Rangen, it will in fact mitigate injury.

In fact, by not conditionally approving mitigation credit for the delivery of this additional water to Rangen, the IDWR creates a catch-22 for junior groundwater users. When the IDWR reviews application for permit 36-16976 in the separate proceeding, it is required by statute to consider whether the application is speculative.¹² If the IDWR does not decide in this proceeding that the delivery of additional water to Rangen from Billingsley Creek will in fact mitigate material injury, Rangen can argue again in that proceeding that the application must be denied as speculative.

Either in this proceeding or the permit application proceeding, the IDWR must determine whether additional water from Billingsley Creek will mitigate Rangen's material injury. This is the proper proceeding for that determination. Questions over whether application for permit 36-16976 is speculative in other respects should be reserved for the other proceeding, but the fact that delivering additional water to Rangen from Billingsley Creek will mitigate material injury should be decided here.

It does not make sense to require IGWA to file another mitigation plan, and presumably go through another contested case to create a record of the same evidence that is in the current record in this case, if permit 36-16976 is approved. That would only delay the delivery of mitigation water to Rangen. Conditionally approving this mitigation proposal subject to approval of water right 36-16976 will allow that mitigation water to be delivered immediately upon approval.

Therefore, IGWA asks the Director to revise the Mitigation Plan 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 has no objection to the

¹² See Idaho Code § 42-203A(5) (prohibiting approval of water right applications for "speculative purposes")

Director confirming that by making such a ruling he is not in any way prejudging whether a permit should be granted.

If the IDWR refuses to conditionally approve mitigation credit for the assignment of water right 36-16976 to Rangen, IGWA requests clarification of whether the IDWR (a) finds that the delivery of first-use Billingsley Creek water to Rangen will not mitigate Rangen's material injury, or (b) finds that delivery of first-use Billingsley Creek water to Rangen will mitigate Rangen's material injury, but declines to provide mitigation credit for the delivery of such water to Rangen subject to a permit being issued for water right 36-16976. IGWA also asks clarification of the evidence in the record on which the IDWR relies, and the legal basis for, the IDWR's ruling on this issue.

6. Cleaning the Curren Tunnel.

IGWA's Mitigation Plan requests mitigation credit if water flows from the Curren Tunnel can be improved by cleaning the Tunnel. Butch Morris testified that he regularly cleans the Hoagland Tunnel because it improves the flow of water from the Tunnel. Frank Erwin testified that the Florence Livestock Tunnel was recently cleaned, and that flows increased. Neither Rangen nor the IDWR put any contradictory evidence into the record.

Yet, the Mitigation Plan Order refuses to allow the tunnel to be cleaned on the basis that "there is no evidence that rock-fall in any tunnel changed the hydraulic conditions of the tunnel itself," and "[t]here is no fallen rock at the mouth of the Curren Tunnel impeding Rangen's collection of water."¹³ Because of this, the Order concludes that "IGWA failed to present evidence demonstrating that cleaning the Curren Tunnel would provide any additional water to Rangen."¹⁴

This ruling imposes an unrealistic and impossible barrier to providing mitigation. Rangen will not allow IGWA inside the Tunnel to inspect it to determine whether there is rock-fall impeding the flow, so it is impossible for IGWA to know whether there is fallen rock or other obstructions in the Tunnel. The only party with access to this information is Rangen, who had more than a month between the filing of IGWA's Mitigation Plan and the hearing to inspect the Tunnel itself to determine whether flow from the Tunnel is being obstructed, yet has done nothing in that regard. Given that Rangen is more interested in curtailment than water, this is not surprising.

¹³ Mitigation Plan Order p. 14, ¶ 35.

¹⁴ *Id.* at 14, ¶ 36.

If cleaning the Curren Tunnel improves the flow from the Tunnel, even if only during the annual low flow period during summer, it would benefit Rangen while increasing the mitigation credit available from the exchange of water from the Sandy Pipe. There is nothing to lose. Given the success of cleaning other tunnels, the Curren Tunnel should be examined and, if there is reason to believe cleaning may improve flow, cleaned. IGWA is willing to do this at its expense. Rangen cannot be permitted to refuse to prove that there are no obstructions impeding flow from the Tunnel, and at the same time refuse access to others to make that examination.

Therefore, IGWA asks that the Mitigation Plan Order be revised to require Rangen to either (a) allow IGWA to inspect the Curren Tunnel to determine whether rock-fall or other obstructions may be impeding the discharge from the Tunnel, or (b) inspect the Tunnel itself and provide an engineers' report or other reliable evidence of the condition of the Tunnel and the possibility of improving Tunnel discharge by cleaning the Tunnel.

7. Enlarging or deepening the Curren Tunnel.

The CM Rules state that there is no material injury if the senior's water needs "could be met with the user's existing facilities and water supplies by using reasonable diversion . . . practices,"¹⁵ or if they could be met "using alternate reasonable means of diversion or alternate points of diversion, including the construction of wells or the use of existing wells to divert and use water from the area having a common groundwater supply."¹⁶ IGWA presented undisputed evidence in the delivery call proceeding that Rangen could substantially increase its water supply by drilling deeper into the ESPA.¹⁷ This is what IGWA's members do when their wells stop producing as much water as they need. Notwithstanding, the Director refused to require Rangen to improve its means of diversion.

Therefore, IGWA proposed in this proceeding to improve Rangen's means of diversion for them. The evidence in the record is undisputed that enlarging or deepening the Curren Tunnel is likely to increase the water flow from the Tunnel. Dr. Brendecke testified to that, the SPF Engineering report commissioned by Rangen concluded that, and Dr. Brockway agreed. Yet the Mitigation Plan Order refuses to allow IGWA to deepen or enlarge

¹⁵ CM Rule 42.01.g (IDAPA 37.03.11.042.01.g).

¹⁶ CM Rule 42.01.g (IDAPA 37.03.11.042.01.h).

¹⁷ See IGWA's Post-Hearing Brief pp. 19-20.

the Curren Tunnel on the basis that “there is no evidence quantifying the potential increase.”¹⁸

There is no quantification of the increase because, until the Tunnel is actually enlarged or deepened, it cannot be proven how much additional water will result from the improvement. When a groundwater well is drilled or enlarged, there is no way of knowing how much water it will produce until the drilling is done. This is why the IDWR requires that a well driller’s report be submitted *after* the well is drilled that reports on the actual, measured flow.

Deepening or enlarging the Curren Tunnel is no different. There may be ways of speculating, but certainly no way of knowing, how much additional water will come from that until the work is done. This benefit can be quantified by comparing flows after the deepening to flows before the deepening, and comparing flows after the deepening to what the ESPA Model says would otherwise be coming out of the Tunnel.

All of the experts agree that deepening or widening the Curren Tunnel will increase the amount of water that discharges from the Tunnel. The fact that the amount of additional water Rangen will actually receive is unknown, is no reason to not allow the improvement.

Therefore, IGWA asks that the Mitigation Plan Order be revised to allow mitigation credit if IGWA provides additional water to Rangen by deepening or enlarging the Curren Tunnel.

If the IDWR refuses to allow IGWA to enhance Rangen’s water supply by deepening or enlarging the Curren Tunnel, IGWA requests clarification of whether the IDWR (a) finds that deepening or enlarging the Curren Tunnel will not increase the flow of water from the Tunnel, or (b) finds that deepening or enlarging the Curren Tunnel will likely increase the flow of water from the Tunnel, but declines to allow IGWA to improve Rangen’s means of diversion. IGWA also requests clarification of the evidence in the record on which the IDWR relies, and the legal basis for, the IDWR’s ruling on this issue.

8. Horizontal Well.

Even though all experts agree that drilling a horizontal well at an elevation below the Curren Tunnel will provide more water to Rangen, the Mitigation Plan Order denies this proposal on the basis that “IGWA would need to obtain a water right to divert and beneficially use water from a

¹⁸ Mitigation Plan Order p. 14, ¶37.

horizontal well,” and there is a moratorium on new groundwater rights.¹⁹ This ruling should be revised for two reasons.

First, the Director already ruled that horizontal tunnels are surface water sources, not groundwater sources. Thus, the moratorium on new groundwater rights has no effect.

Second, a new water right is not required to improve one’s means of diversion. As mentioned above, the CM Rules explicitly authorize the Director to allow senior water rights to utilize “alternate reasonable means of diversion or alternate points of diversion, including the construction of wells or the use of existing wells to divert and use water from the area having a common groundwater supply.”²⁰ This does not require a new water right; it is simply an improvement of the senior’s means of diversion under the senior’s existing water rights. When a groundwater well becomes less productive, the appropriator may deepen the well, or drill a replacement well nearby, without getting a new water right. When a surface water diversion fails to capture the amount of water the water user is entitled to divert, the water user can improve the diversion structure to capture more water without getting a new water right.

There is nothing that prevents the Director from authorizing an improvement to Rangen’s means of diversion to enable it to secure a more reliable water supply by accessing the ESPA at a lower elevation. Therefore, IGWA asks that the Mitigation Plan Order be revised to allow IGWA to improve Rangen’s means of diversion by drilling into the ESPA at a lower elevation.

If the IDWR refuses to make this change, IGWA requests clarification of whether the Director believes (a) he has no legal authority to allow a horizontal well under Rangen’s existing water rights, or (b) as a matter of discretion he declines to allow improvement of Rangen’s means of diversion to access a more reliable water supply at a lower elevation.

9. Pump-Back System

The CM Rules preclude curtailment of beneficial water use under junior rights if the senior’s water needs “could be met with the user’s existing facilities and water supplies by using reasonable diversion and conveyance efficiency and conservation practices.”²¹ Accordingly, IGWA presented evidence that Rangen’s injury could be mitigated by pumping

¹⁹ Mitigation Plan Order p. 15, ¶ 39.

²⁰ CM Rule 42.01.g (IDAPA 37.03.11.042.01.h).

²¹ CM Rule 42.01.g (IDAPA 37.03.11.042.01.g).

water from the bottom of its facility back to the top of its facility where it could be re-used. The Mitigation Plan Order apparently recognizes the simplicity of this proposal, but denies it for lack of evidence “that IGWA has the water rights or property access to construct and operate a pump back and aeration system to Rangen.”²²

The assumption that IGWA must appropriate a new water right to install a pump-back system is mistaken. A pump back system can be designed to recirculate water diverted under Rangen’s existing water rights. Under Idaho law, water users are entitled to recapture and re-use water before it enters the public water supply. Further, aquaculture water use is non-consumptive. Thus, this mitigation proposal is not dependent on new water rights, and should not be denied on this basis.

Concerning property access, IGWA’s ground water district members have a statutory right under Idaho Code § 42-5224(13) to “exercise the power of eminent domain in the manner provided by law for the condemnation of private property for easements, rights-of-way, and other rights of access to property necessary to the exercise of the mitigation powers herein granted, both within and without the district.”

Therefore, IGWA asks that the Mitigation Plan Order be revised to authorize the development of a pump-back system to mitigate Rangen’s material injury, 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.

If the IDWR refuses to make this change, IGWA requests clarification of whether the Director believes (a) he has no legal authority to allow water diverted under Rangen’s water rights to be reused by pumping it from the bottom to the top of its raceways, or (b) as a matter of discretion he declines to allow water to be pumped back at Rangen. IGWA also requests clarification of the evidence in the record relied upon, and legal basis for, the decision on this issue.

CONCLUSION

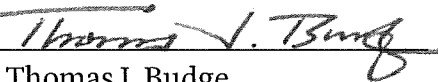
The policy of Idaho law is to secure the maximum use and benefit, and least wasteful use, of the State’s water resources. The purpose of IGWA’s Mitigation Plan is to keep both Rangen and groundwater users in business by providing additional water to Rangen by means other than curtailment. The changes to the Mitigation Plan Order requested above will facilitate

²² Mitigation Plan Order p. 16, ¶ 47.

and accommodate the timely delivery of additional water to Rangen by removing unnecessary barriers to mitigation.


DATED April 25, 2014.

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

By: 
Thomas J. Budge

CERTIFICATE OF MAILING

I certify that on this 25th day of April, 2014, the foregoing document was served on the following persons in the manner indicated.



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