

FISH BREEDERS OF IDAHO, INC.

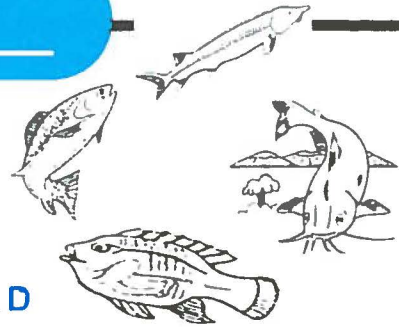


Fish Processors, Inc.
Big Bend Trout, Inc.

Date April 6, 2014



RECEIVED



APR 07 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

To Dept. of Water Resources
From Big Bend Trout Inc. (Leo E. Ray)
Subject Response to Second Mitigation Plan Submitted by the Idaho Ground Water Appropriators, Inc. Delivery Call, as defined in the January 29, 2014, "Final Order Regarding Rangen, Inc.. Petition for Delivery Call: Curtailing Ground Water Rights prior to July 13, 1962". Which is on file with the Idaho Dept. of Water Resources.

I object to this plan.

1. The solution to reduced spring flows is not being addressed. Recharge is the answer. I suggest a water user fee on all water rights. The fee should be graduated with the oldest water rights having a lower fee and the junior water rights a higher fee. The money collected should be used to fund recharge. Recharge does not take water away from other water rights. Recharge stores water for later use. It cleans and cools the water in the process.
2. If you are set on pumping water, pump it from Minnie Miller Springs. This is a spring in the area that dumps into the Snake River and has no other water rights that would be affected.
3. The water you are proposing to pump takes water away from numerous water rights. This spring is already short 35% of the water rights on this spring. The fish and Game water right is a non-consumptive water right. Some of the down-stream rights that use this water are non-consumptive water rights some are consumptive. To pump this water you are inviting another water call.
4. The BBI&M Co. water right is leased to Big Bend Inc. There is always a time of the year when BBT is not getting all of its water from the spring. This plan will result in a decrease of our available water.

Leo E. Ray

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 2nd Mitigation plan - Idaho Groundwater appropriators with Response to the Rangen, Inc. water delivery call
2. Name of protestant Leo E Ray, Big Bend Trout Inc.
3. Protestant's Representative for service (If different than protestant)
Leo E Ray, President of Big Bend Trout Inc.
4. Service mailing address P.O. Box 749 Hagerman, ID 83332
479
5. Service telephone no. 208 837 6114 Email Address: Fpi@fishbroodersofidaho.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

See Attached

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Recharge plan or if you are going to pump spring to backup pump from Minney Miller Spring. This is a undeveloped spring in the area. There would be less height in spring only

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 6 day of April, 20 14.

Leo E Ray, Big Bend Trout Inc
Protestant

Leo E Ray
Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by AM Date 4-7-2014 Time 3:40 pm
\$25.00 fee Received by AM # 5033939 Date 4-7-2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6 day of April, 2014, the above and foregoing document was served on the following by providing a copy of the April 3, 2014 Notice of Protest by Big Bend Trout, Inc. regarding the Second Mitigation Plan filed by the Idaho Ground Water Appropriators, Inc. in the manner selected.

J JUSTIN MAY
MAY BROWNING & MAY PLLC
1419 W WASHINGTON
BOISE ID 83702-5039
jmay@maybrowning.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

ROBYN BRODY
BRODY LAW OFFICE PLLC
PO BOX 554
RUPERT ID 83350-0554
robynbrody@hotmail.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

FRITZ X HAEMMERLE
HAEMMERLE HAEMMERLE
PO BOX 1800
HAILEY ID 83333-1800
fxh@haemlaw.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

RANDY BUDGE
T J BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rcb@racinelaw.net
tjb@racinelaw.net

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

SARAH KLAHN
MITRA PEMBERTON
J RYLAND HUTCHINS
WHITE & JANKOWSKI
511 16TH ST STE 500
DENVER CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com
RylandH@white-jankowski.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

A DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205
dtranmer@pocatello.us

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

JOHN K SIMPSON
TRAVIS L THOMPSON
PAUL L ARRINGTON
BARKER ROSHOLT & SIMPSON LLP
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029
jks@idahowaters.com
tlt@idahowaters.com
pla@idahowaters.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

W KENT FLETCHER,
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318
wkf@pmt.org

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

C THOMAS ARKOOSH
CAPITOL LAW GROUP PLLC
PO BOX 32
GOODING ID 83330-0032
tarkoosh@capitolawgroup.net

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

Leo E Ray Big Bend Trout

Leo E. Ray, President Big Bend Trout Inc.