

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
JUL 02 2014
DEPARTMENT OF
WATER RESOURCES

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 IGWA AMENDED THIRD MITIGATION PLAN TO MITIGATE MATERIAL INJURY TO WATER RIGHT NOS 36 02551 & 36-07694
- 2. Name of protestant HELD BY RANSON, INC. B. McKenzie
- 3. Protestant's Representative for service (If different than protestant)
- 4. Service mailing address P.O. BOX 472 HAGERMAN IDAHO 83332
- 5. Service telephone no. "208" 837-4875 Email Address: knbmac@g.com
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

- SEE ATTACHED PAGES -

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

- 7. What would resolve your protest? STRICT CURTAILMENTS NEED TO STAY IN PLACE WITH THE POSSIBILITY OF INCREASED CURTAILMENTS ON JUNIOR-PRIORITY GROUND WATER USERS & RIGHTS

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 July day of 1, 20 14
B. McKenzie
Protestant

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.
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FOR DEPARTMENT USE ONLY

Received by AS Date 7/2/14 Time 9:45 AM
\$25.00 fee Received by AS # C099110 Date 7/2/14

Bret McKenzie
P.O. Box 472
Hagerman, ID 83332
208-837-4875

Gary Spackman – Director
Idaho Department of Water Resources
P.O. Box 83720
322 East Front St.
Boise, Idaho 83720

July 1, 2014

Dear Mr. Spackman,

I, Bret McKenzie with Water Right Number – 36-82B, oppose and protest the Third Mitigation Plan to mitigate injury water right numbers – 36-02551 and 36-07694 held by Rangen Inc., Water District 36A, dated June 23, 2014.

Further:

1. We believe that this is a speculative and temporary fix, and does not address the real problem of over-pumping the water, by junior water right users.
2. If these policies continue we will no longer receive pristine spring water.
3. Our main concern is on page 2, paragraph 3, lines 3-9 of the Idaho Department of Water Resources Notification, dated June 23, 2014, is that it is vaguely worded, putting in doubt our recourse to protest, in the event our water right is diminished.

Sincerely yours,



Bret McKenzie

Enclosed: Certificate of Service

Cc: Idaho Water Appropriators, Inc.

Counsel: Racine Olsen Nye Budge and Bailey Chartered

Certificate Of Service

1. I Hereby Certify that on July 1st, 2014, I served a copy of my protest of the Amended 3rd plan to mitigate material injury held by Rangen Inc. and other water rights holders in water district 36A to the persons listed below by method of prepaid U.S. Mail.

Randall C. Budge
Thomas J Budge
Racine Olson Nye Budge & Bailey Chartered
201 E Center Street
PO Box 1391
Pocatello, ID 83204

Idaho Ground Water Appropriators, Inc.
1109 W Main, Suite 300
PO Box 2624
Boise, ID. 83701

Sincerely,

A handwritten signature in cursive script that reads "Brett McKenzie". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Idaho Department of Water Resources Receipt

Receipt ID: C099110

Payment Amount \$25.00 Date Received 7/2/2014 12:09 PM Region STATE

Payment Type Check Check Number 4817

Payer MCKENZIE, BRET A

Comments PROTEST REGARDING IGWA'S 3RD MITIGATION PLAN

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	56103	0229	21		1155



Signature Line (Department Representative)