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.

BUCKEYE FARMS, INC. (the "Buckeye"), by and through their attorneys of record, file
this Protest to the Second Mitigation Plan and Request for Hearing, filed by the Idaho Ground
Water Appropriate, Inc. ("IGWA") on June 10, 2014 in the above matter. This protest is filed
pursuant to Rule 43 of the CM Rules and Rule 250 of the Department’s Rules of Procedure.

IGWA’s third mitigation plan proposes to several activities that, it alleges, will mitigate for
material injury suffered by Rangen. Buckeye protests the third mitigation plan for the following
reasons:

1. IGWA have failed to demonstrate that the proposed actions will not jeopardize
spring flows. For example, IGWA proposes to make “improvements” to the Curren Tunnel. It
concludes that “may increase the net discharge.” However, it cannot show that the actions will not
jeopardize spring flows.

2. IGWA fails to show that it meets the requirements of CM Rule 43 addressing
standards for mitigation plans.

PROTEST TO IGWA’S AMENDED THIRD MITIGATION PLAN

Docket No. CM-MP-2014-01

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PROTEST TO IGWA’S AMENDED THIRD MITIGATION PLAN
3. IGWA should be required to commit to the 2nd Mitigation Plan or relinquish it prior to IDWR and the parties expending time and resources addressing the merits of the 3rd Mitigation Plan. See Rule 43.j (Public interest).

4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

Accordingly, Buckeye protests IGWA’s amended third mitigation plan and requests that the Director deny and dismiss that plan.

DATED this 7th day of July, 2014.

BARKER ROSEHOLT & SIMPSON LLP

John K. Simpson
Paul L. Arrington

Attorneys for Buckeye Farms, Inc.
CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2014, I served a copy of the foregoing

PROTEST TO IGWA'S SECOND MITIGATION PLAN, by hand-delivery to the following:

Idaho Department of Water Resources
Southern Region
650 Addison Ave. W., Suite 500
Twin Falls, ID 83301

And by U.S. Mail to:

Randall C. Budge
Thomas J. Budge
Racine Olson Nye Budge & Bailey, chartered
P.O. Box 1391
Pocatello, Idaho 83204
(208) 232-6109 – fax

Paul L. Arrington

FOR OFFICE USE ONLY
Fee: $25.00
Receipt No: S034141
Receipt by: Dm
Date Received: 7-7-2014

PROTEST TO IGWA’S AMENDED THIRD MITIGATION PLAN 3