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DEPARTMENT OF
WATER RESOURCES

Attorneys for Rangen, Inc.

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

IN THE MATTER OF THE FOURTH
MITIGATION PLAN FILED BY THE
IDAHO GROUND WATER
APPROPRIATORS FOR THE
DISTRIBUTION OF WATER TO
WATER RIGHT NOS. 36-02551 & 36-
07694 IN THE NAME OF RANGEN,
INC.

“MAGIC SPRINGS PROJECT”

Docket No. CM-MP-2014-006

**RANGEN, INC.’S AMENDED
NOTICE OF ACCEPTANCE OF
DELIVERY OF WATER UNDER
IGWA’S FOURTH MITIGATION
PLAN**

WHEREAS, on October 29, 2014, the Director of the Idaho Department of Water Resources (“Director”) issued an *Order Approving IGWA’s Fourth Mitigation Plan* (“Order”);

WHEREAS, the Order conditionally approved IGWA’s Fourth Mitigation Plan subject to approval of IGWA’s September 10, 2014 Application for Transfer of Water Right to add the Rangen Facility as a new place of use for up to 10 cfs from water right number 36-7072 or an

authorized lease through the water supply bank. Approval is also conditioned upon all necessary agreements or options contracts being reduced to final written agreements. (*Order*, p.20-21); and

WHEREAS, the Director ordered IGWA to deliver Magic Springs water to Rangen no later than January 19, 2015 (*Order*, p.21);

WHEREAS, over Rangen's objection to IGWA's Fourth Mitigation Plan, the Director ordered Rangen to accept this water and allow construction on its land related to placement of the delivery pipe, and if not accepted, IGWA's mitigation obligation would be suspended (*Order*, p. 21);

NOW THEREFORE, RANGEN HEREBY PROVIDES NOTICE that Rangen, Inc. will comply with the Director's Order and accept the water to be delivered under the Fourth Mitigation Plan and allow construction of the pipeline on its land. By delivering this Notice, Rangen does not waive any right to seek judicial review of the Order. Rangen also does not waive any cause of action it may have against IGWA, its Districts, the Department, or the State of Idaho including, but not limited to, compensation for the condemnation of its real property, damages resulting from the implementation of the Mitigation Plan such as fish loss or the introduction of disease, pathogens, parasites, or other organisms harmful to Rangen's operation, or damages resulting from the failure to deliver water for any reason whatsoever. Rangen also reserves the right to reject the water in the event it determines the delivery of water is causing harm to Rangen's operation.

DATED this 6th day of November, 2014.

MAY, BROWNING & MAY

By 
J. Justin May

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 6th day of November, 2014, I caused a true and correct copy of the foregoing document to be served using the method indicated upon the following:

Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	Hand Delivery <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Garrick Baxter Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov emmi.blades@idwr.idaho.gov	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
Kathy McKenzie P.O. Box 109 Hagerman, ID 83332 knbmac@q.com	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>



 J. Justin May