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DEPARTMENT OF
WATER RESOURCES

Fritz X. Haemmerle (ISB No. 3862)
HAEMMERLE LAW, PLLC
P.O. Box 1800
Hailey, ID 83333
Telephone: (208) 578-0520
Facsimile: (208) 578-0564
fxh@haemlaw.com

Attorneys for John and Patrick Powers and Bell Smith, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF ROTATION
CREDIT IN WATER DISTRICT 34,
BIG LOST RIVER BASIN

MOTION TO PARTICIPATE AND
STATEMENT OF POSITION

COMES NOW the Protestants, John and Patrick Powers (Water Rights 34-638A and 34-637C) and Bell Smith, LLC (Water Rights 34-194A, 34-481, 34-482, 34-849B and 34-872A), by and by and through their attorney, Fritz X. Haemmerle, of Haemmerle Law, P.L.L.C., and hereby files this Motion to Participate and Statement of Position.

The Protestants herein join with the other Protestants listed in Exhibit 1 to the *Brief and Exceptions to Preliminary Order Suspending Rotation Credit in Water District 34*, filed by Fritz Haemmerle on May 12, 2016 ("*Brief and Exceptions*"), incorporated herein by reference, and oppose and challenge the Order Suspending Credits for all the same reasons set forth in the *Brief and Exceptions*.

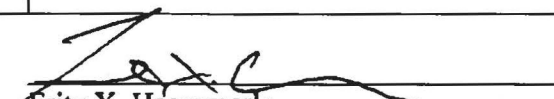
DATED this 2 day of June, 2016.


FRITZ X. HAEMMERLE
Attorney for Protestants

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 2 day of June, 2016, he caused a true and correct copy of the foregoing document to be served upon the following by the method indicated:

Original: Gary Spackman 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098 deborah.gibson@idwr.idaho.gov	Hand Delivery <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
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Fritz X. Haemmerle