BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-15501, 36-02551, AND 36,07694	)))	Case No. 39576 PETITION FOR HEARING

COME NOW Gene D. Fredericksen and Judi K. Fredericksen, the lawful holders of water rights **36-07359**, and petition for hearing as follows:

1. Petitioners are aggrieved by the *Order* dated February 25, 2004;

2. The basis of such *Order* is arbitrary and is not based on real or scientific facts;

3. Such *Order* is based on speculation and conjecture, without showing or proof that a ground water well located ten, fifteen, twenty or more miles away could or would affect or relate to Rangen's water rights numbers 36-15501, 36-02551, 36-07694, or any other alleged 'spring flow' rights of other permit holders;

4. Such *Order* defies the principles of equity and law;

5. Even if water rights numbers 36-15501, 36-02551, 36-07694 are "first in time", there is no indication the water claim has been applied to a beneficial use, i.e. how much used and how much wasted;

6. There is no indication if the Rangen right is a waste water right or a ground water right;

7. The economic impact of the *Order* would not only devastate the economy of Southern Idaho but would negatively impact the entire State of Idaho;

8. Most ground water pumpers who pump ground water for their crops have been true conservationists, resorting to water savings techniques and management practices to lessen waste. The *Order* penalizes conservation of water and good farm management practices;

9. We find it hard to believe that a water right acquired in 1962, used for other than crop growing purposes, would not have increased its consumption in light of increased population and technology;

10. We have consistently used less than our allocated rights in our effort to conserve water.

WHEREFORE, Petitioners hereby contest the action to be taken by virtue of said *Order* and request a hearing.

DATED this 11th day of March, 2004.

GENE D. FREDERICKSEN
200 North 349 East
Jerome, Idaho 83338
(208) 324-8788

JUDI K. FREDERICKSEN
200 North 349 East
Jerome, Idaho 83338
(208) 324-8788

STATE OF IDAHO)
) ss.
County of Jerome)

On this 11th day of March, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gene D. Fredericksen and Judi K. Fredericksen, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed same for the uses and purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

DEBORAH COFFEL NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC
Residing at Jerome, Idaho
Commission expires 3/9/07