

ORIGINAL

Randall C. Budge, ISB #1949
Candice M. McHugh, ISB #5908
Thomas J. Budge, ISB #7465
RACINE OLSON NYE
BUDGE & BAILEY, CHARTERED
101 S. Capitol Blvd., Suite 300
Boise, Idaho 83702
Telephone: (208) 395-0011
rcb@racinelaw.net
cmm@racinelaw.net
tjb@racinelaw.net

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AUG 21 2012
DEPARTMENT OF
WATER RESOURCES

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

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

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
02551 & 36-07694

(RANGEN, INC.)

Docket No. CM-DC-2011-004

**IGWA'S MEMO IN OPPOSITION TO
BUCKEYE'S PETITION FOR LIMITED
INTERVENTION**

Idaho Ground Water Appropriators, Inc., ("IGWA"), acting for and on behalf of its members, respectfully submits this memorandum pursuant to Procedure Rule 354 in opposition to *Buckeye Farms, Inc.'s Petition for Limited Intervention* ("Petition") filed August 14, 2012. The Petition should be denied for the reasons that follow.

The Rules of Procedure of the Idaho Department of Water Resources ("Department") allow a person to intervene only if the petition "shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties." (Procedure Rule 353.) Buckeye Farms, Inc. ("Buckeye") should not be permitted to intervene for the simple reason that its interest is adequately represented by Rangen, Inc. ("Rangen") and the Surface Water Coalition ("SWC"). Buckeye itself admits that its water rights come from the same springs that supply Rangen's water rights. (Petition 1.) Buckeye claims merely a generalized interest in this case since the Director's application of the ESPAM 2.0 will "likely become precedent for future administrative proceedings throughout the Snake River Plain." Of course, this interest is no different than the interests of Rangen or the SWC. Further, Buckeye's attorneys are

already participating in this proceeding on behalf of the SWC.

Buckeye's participation in the proceeding will do nothing more than "pile on" the arguments made by Rangen and the SWC. Because Rangen and the SWC are well able to put on expert opinions and testimony that will adequately represent Buckeye's interest in this proceeding, Buckeye's petition to intervene should be denied.

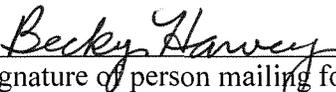
RESPECTFULLY SUBMITTED this 21st day of August, 2012.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
RANDALL C. BUDGE
CANDICE M. McHUGH
THOMAS J. BUDGE
Attorneys for IGWA

CERTIFICATE OF MAILING

I hereby certify that on this 21st day of August, 2012, the foregoing document was served by U.S. Mail postage prepaid to the persons below in the manner indicated:


Signature of person mailing form

Original:

Director, Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
Deborah.Gibson@idwr.idaho.gov

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

Garrick Baxter
Chris Bromley
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

Robyn M. Brody
Brody Law Office, PLLC
PO Box 554
Rupert, ID 83350
rbrody@cableone.net
robynbrody@hotmail.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

Fritz X. Haemmerle
Haemmerle & Haemmerle, PLLC
PO Box 1800
Hailey, ID 83333
fxh@haemlaw.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

J. Justin May
May, Browning & May, PLLC
1419 West Washington
Boise, ID 83702
jmay@maybrowning.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

Sarah Klahn
Mitra Pemberton
WHITE JANKOWSKI, LLP
511 16th St., Suite 500
Denver, Colorado 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

Dean Tranmer
City of Pocatello
PO Box 4169
Pocatello, ID 83201
dtranmer@pocatello.us

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

C. Thomas Arkoosh
Capitol Law Group
PO Box 32
Gooding, ID 83330
tarkoosh@capitolawgroup.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson
195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029
tlt@idahowaters.com
jks@idahowaters.com
pla@idahowaters.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

W. Kent Fletcher
Fletcher Law Office
PO Box 248
Burley, ID 83318
wkf@pmt.org

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail