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DEPARTMENT OF
WATER RESOURCES
via email

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION
FOR DELIVERY CALL OF RANGEN,
INC.'S WATER RIGHT NOS. 36-02551
& 36-07694

Docket No. CM-DC-2011-004

**AFFIDAVIT OF JOY KINYON IN
SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

STATE OF IDAHO)
) ss
County of Twin Falls)

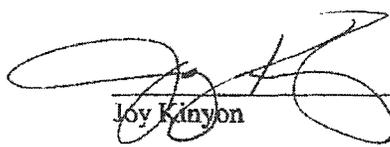
Joy Kinyon, being sworn upon oath, deposes and says:

1. My name is Joy Kinyon. I am the General Manager of the Feeds Division of Rangen, Inc. I have worked for Rangen for 16 years. The matters contained in this affidavit are based on my personal knowledge and beliefs.
2. In approximately 1989, Rangen contracted with the Woods family to raise trout for Rangen at a fish propagation facility near Rangen's Research Hatchery in

Hagerman, Idaho. Rangen supplied the trout to the Woods family and paid a price for the weight "gain" that the fish made over a period of time. This arrangement is referred to as "farm ponding."

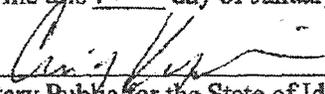
3. In approximately 1992, Rangen began leasing the Woods family's fish propagation facility and raising its own trout. This arrangement continued until November 30, 2003 when Rangen terminated the lease. Rangen has not leased or operated the Woods facility for nearly ten years.
4. It is my understanding that "Decker Springs" are the source of the water for the Woods fish propagation facility.
5. In the past, Rangen also leased the right to use warm water at a facility called "First Ascent." Rangen had a small research building constructed at the facility. Rangen conducted warm water tilapia research at that facility, but vacated the facility as of February 2010. The documents related to the research done at the First Ascent facility are stored in the same location as research documents related to work done at the Research Hatchery. This means that Rangen has already made the research documentation pertaining to its research at the First Ascent facility available to IGWA at the time IGWA's attorney and expert, Tom Rogers, reviewed Rangen's research documents at the Research Hatchery.

DATED this 18th day of January, 2013.

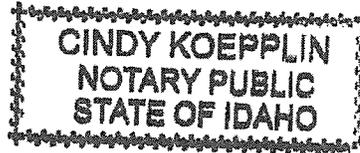


Joy Kinyon

SUBSCRIBED AND SWORN to before me this 18th day of January, 2013



Notary Public for the State of Idaho
Residing at: File ID
My Commission Expires: 9-5-15

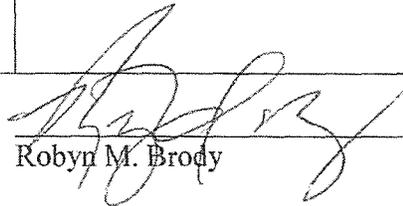


CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 21st day of January, 2013 she caused a true and correct copy of the foregoing document to be served upon the following by the indicated method:

Original: Director Gary Spackman Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 <u>Deborah.Gibson@idwr.idaho.gov</u>	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"/>
Garrick Baxter Chris Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 <u>garrick.baxter@idwr.idaho.gov</u> <u>chris.bromley@idwr.idaho.gov</u>	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 Candice M. McHugh Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 101 South Capitol Blvd, Ste 300 Boise, ID 83704-1391 Fax: 208-433-0167 <u>rcb@racinelaw.net</u> <u>cmm@racinelaw.net</u> <u>tjb@racinelaw.net</u>	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"/>
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John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson, L.L.P.	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input checked="" type="checkbox"/>

<p>195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com</p>	<p>E-Mail <input checked="" type="checkbox"/></p>
<p>C. Thomas Arkoosh Arkoosh Eiguren P.O. Box 2900 Boise, ID 83702 Tom.arkoosh@aelawlobby.com</p>	<p>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"/></p>
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p>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"/></p>
<p>Jerry R. Rigby Hyrum Erickson Robert H. Wood Rigby, Andrus & Rigby, Chartered 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com herickson@rex-law.com rwood@rex-law.com</p>	<p>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"/></p>



Robyn M. Brody