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RECEIVED

JUN 27 2014

DEPARTMENT OF
WATER RESOURCES

Attorneys for Rangen, Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

**IN THE MATTER OF DISTRIBUTION
OF WATER TO RANGEN, INC.'s
WATER RIGHT NOS. 36-15501, 36-134B,
AND 36-135A**

DOCKET NO.: _____
**RANGEN, INC.'S PETITION FOR
DELIVERY CALL**

Rangen, Inc., by and through its attorneys, submits the following Petition for Delivery Call in accordance with Art. XV, § 3, Idaho Const., I.C. §§ 42-101, 226, 602, 607 and IDAPA 37.03.11.040 or as otherwise provided for by the laws of the State of Idaho:

I. BACKGROUND

1. Rangen, Inc. ("Rangen") is a family corporation that has been in business since 1925. Its headquarters is located in Buhl, Idaho.

2. Rangen, among other things, is a leading feed manufacturer in the US aquaculture markets.

3. As part of its aquaculture business, Rangen owns and operates a research and fish propagation facility (“Research Hatchery”) near Hagerman, Idaho. A sketch of Rangen’s Research Hatchery is attached hereto as Exhibit 1A and an aerial photograph is attached as Exhibit 1B.

4. The water that sustains Rangen’s Research Hatchery is spring water from an area commonly referred to as the Thousand Springs area of the Thousand Springs Reach of the Snake River within Water District 130. The Thousand Springs area is characterized by many flowing springs of high quality water that is well suited to aquaculture and fish propagation.

5. Rangen has five (5) water rights for the Research Hatchery that have been decreed through the Snake River Basin Adjudication. Rangen’s decreed water rights are summarized as follows:

Water Right No.:	36-00134B	36-00135A	36-15501	36-02551	36-07694
Priority Date:	October 9, 1884	April 1, 1908	July 1, 1957	July 13, 1962	April 12, 1977
Beneficial Use:	Irrigation (0.09 cfs) and Domestic (0.07 cfs)	Irrigation (0.05 cfs) and Domestic (0.05 cfs)	Fish Propagation	Domestic (0.10 cfs) and Fish Propagation (48.54)	Fish Propagation
Diversion Rate:	0.09 cfs	0.05 cfs	1.46 cfs	48.54 cfs	26.0 cfs
Period of Use:	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov 30 (Irrigation)	Jan. 1 - Dec. 31 (Domestic) Feb. 15 - Nov. 30 (Irrigation)	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31	Jan. 1 - Dec. 31

Copies of the partial decrees associated with these rights are attached hereto as Exhibit 2.

II. BASIS OF CALL

6. In December, 2011, Rangen filed a Petition for Delivery Call concerning water rights 36-02551 and 36-07694. See *Rangen's Petition for Delivery Call*, CM-DC-2011-004.

7. On January 29, 2014, the Director of the Idaho Department of Water Resources (“Director” and “IDWR”), entered the *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* (“*Delivery Call Final Order*”).

8. In the *Delivery Call Final Order*, the Director found, among other things, that “. . . pumping by junior ground water users has materially injured Rangen.” *Delivery Call Final Order*, ¶ 36.

9. The Director ordered curtailment of groundwater rights junior to **July 13, 1962**, the priority date of water right 36-02551. This was the priority date of the earliest right for which Rangen filed its call.

10. Rangen did not call on water right 36-15501 (“1957 Right”), 36-134B (“1884 Right”), or 36-135A (“1908 Right”) in December, 2011, because Rangen thought those rights were being satisfied at that time.

11. The continued diminishment of water flow from the Martin-Curren Tunnel coupled with subsequent rulings made by the Director have resulted in all of Rangen’s water rights being unsatisfied.

12. Each of the water rights described above in paragraph 5 has the same designated source, “Martin-Curren Tunnel,” and point of diversion, “T07S R14E S32.” The Director has determined that the term “Martin-Curren Tunnel” refers to the spring water coming from the mouth of the physical tunnel and does not include any spring water from the surrounding talus

slope. Rangen has filed a Petition for Review from the Order regarding the source and point of diversion. Rangen accepts the Director’s Order regarding source and point of diversion for the purposes of this call, but reserves the right to continue its appeal.

A. CURRENT WATER FLOW FROM THE MOUTH OF THE MARTIN-CURREN TUNNEL IS INSUFFICIENT TO SATISFY RANGEN’S WATER RIGHTS

13. The most recent measurement of flow from the mouth of the Martin-Curren Tunnel taken by Rangen on June 9, 2014 is 1.33 cfs. The flow from the Martin-Curren Tunnel has continued to decline since Rangen filed its 2011 call.

14. There are multiple water rights that have the Martin-Curren Tunnel as their source. The following table sets forth all of those and allocates the current physical flow of 1.33 cfs to those rights in order of priority:

Water Right Holder	Water Right Number	Water Right Quantity (cfs)	Priority Date	Allocation of 1.33 cfs
Morris	36-134D	1.58	10/9/1884	0.30
Morris	36-134E	0.82	10/9/1884	0.15
Candy	36-134A	0.49	10/9/1884	0.09
Rangen	36-134B	0.09	10/9/1884	0.02
Musser	36-102	4.1	10/9/1884	0.77
Rangen	36-135A	0.05	4/1/1908	-
Candy	36-135B	0.51	4/1/1908	-
Morris	36-135D	1.58	4/1/1908	-
Morris	36-135E	0.82	4/1/1908	-

Rangen	36-15501	1.46	7/1/1957	-
Rangen	36-02551	48.54	7/13/1962	-
Rangen	36-07694	26	4/12/1977	-
				1.33

15. The 1.33 cfs has been allocated on a pro rata basis to the 10/9/1884 rights since they all share the same priority date.

16. The current flow of 1.33 cfs does not satisfy any of the Martin-Curren Tunnel water rights, including, but not limited to, Rangen’s 1884, 1908 and 1957 rights.

B. AVERAGE WATER FLOW FROM THE MARTIN-CURREN TUNNEL IS INSUFFICIENT TO SATISFY RANGEN’S WATER RIGHTS

17. On April 11, 2014, the Director issued an *Order Approving in Part and Rejecting in Part IGWA’s Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order* (“*Order on IGWA’s First Mitigation Plan*”).

18. Instead of using the actual current flow from the Martin-Curren Tunnel when deciding how much mitigation credit to give IGWA in the *Order on IGWA’s First Mitigation Plan*, the Director attempted to project future flows using the average of average flows from the Martin-Curren Tunnel from 2002 to 2013, stated to be 3.7 cfs. *Amended Order*, ¶ 27. The Director then allocated the 3.7 cfs of “paper” water amongst the Martin-Curren Tunnel water rights. No water was allocated to Rangen’s 1957 water right.¹

19. On April 25, 2014, in response to the Director’s *Order on IGWA’s First Mitigation Plan*, Rangen filed *Rangen’s Motion for Reconsideration of Order Re: IGWA’s*

¹ Rangen continues to object to the use of projected average flows rather than actual flows. However, it is clear that even when the Director’s “paper” water is included there is insufficient water to satisfy Rangen’s 1957 Right.

Mitigation Plan; Order Lifting Stay; Amended Curtailment Order (“*Motion for Reconsideration*”). The *Motion for Reconsideration* requested among other things that the Director allocate a portion of the 3.7 cfs paper water to Rangen’s 1957 Right for the purpose of determining mitigation credit.

20. The Director instead found that Rangen’s 1957 water right is out of priority and therefore not entitled to any water. In his *Final Order on Reconsideration* issued May 16, 2014, the Director found that “Rangen’s argument is flawed. Rangen overlooks the fact that water right no. 36-15501 is *junior* to the Morris water rights.” *Final Order on Reconsideration*, p.2. “If the Director were to adopt Rangen’s suggested computation, the Director would unlawfully allocate water to Rangen’s junior water right before allocating water to the senior water rights held by Morris. . . . Because Morris is entitled to the 3.2 cfs before water right no. 36-15501 comes into priority, the Director will not change his computation of the mitigation credit to IGWA for exchange of irrigation water diverted from the Curren Tunnel.” *Final Order on Reconsideration*, p.3.

21. The following chart compares the allocation of the 3.7 cfs paper water flow three different ways: (a) in order of priority; (b) as requested by Rangen in its Motion for Reconsideration; and (c) as done by the Director in the *Order on IGWA’s First Mitigation Plan*:

Water Right Holder	Water Right Number	Water Right Quantity (cfs)	Priority Date	Allocation of 3.7 cfs based on Priority	Allocation of 3.7 cfs by priority excluding Morris Rights	Allocation of 3.7 cfs in Order on First Mitigation Plan
Morris	36-134D	1.58	10/9/1884	0.8	-	-
Morris	36-134E	0.82	10/9/1884	0.4	-	-
Candy	36-134A	0.49	10/9/1884	0.3	0.04	0.04
Rangen	36-134B	0.09	10/9/1884	0.1	0.09	0.09
Musser	36-102	4.1	10/9/1884	2.1	-	-
Rangen	36-135A	0.05	4/1/1908	-	0.05	0.05
Candy	36-135B	0.51	4/1/1908	-	-	-
Morris	36-135D	1.58	4/1/1908	-	-	-
Morris	36-135E	0.82	4/1/1908	-	-	-
Rangen	36-15501	1.46	7/1/1957	-	1.4	-
Rangen	36-02551	48.54	7/13/1962	-	2.1	3.5
Rangen	36-07694	26	4/12/1977	-	-	-
				3.7	3.7	3.7

22. By maximizing the mitigation credit to which IGWA is entitled this year, the Director's Order on IGWA's First Mitigation Plan has shorted Rangen's 1957 right. Now there is no water in the Martin-Curren Tunnel – either physically or on paper – to satisfy Rangen's 1957 Right.

C. RANGEN'S 1884, 1908, AND 1957 WATER RIGHTS ARE BEING MATERIALLY INJURED BY JUNIOR-PRIORITY GROUNDWATER PUMPING

23. The current low flows in the Martin-Curren Tunnel, which are substantially a result of junior groundwater pumping, together with the Director's Order allocating all water in the Martin-Curren Tunnel to be used solely as mitigation for injury to Rangen's 1962 Water Right means that **no** water is available to satisfy any of the other water rights on the Martin-Curren Tunnel, including Rangen's 1884, 1908 and 1957 Rights.

24. Based upon the Director's decision not to allocate any water to Rangen's 1957 Right when deciding IGWA's mitigation credit, it is apparent that the Director will not administer water rights by priority without an active Call.

25. As previously determined by the Director in the *Final Order*, Rangen can beneficially use all of the water to which it is entitled pursuant to its water rights.

26. As previously determined by the Director in the *Final Order*, Rangen is not wasting water.

27. As previously determined by the Director in the *Final Order*, Rangen has been, and is currently being, materially injured by junior-priority ground water pumping in the Eastern Snake Plain Aquifer ("ESPA"), including, but not limited to junior-priority ground water pumping in Water Districts 1, 34, 100, 110, 120, 130 and 140.

28. The ESPA is the aquifer underlying an area of the Eastern Snake River Plain which encompasses an area of about 11,000 square miles extending from Ashton, Idaho in the northeast, southwest to King Hill, Idaho.

29. The ESPA is an area having a common ground water supply. See IDAPA 37.03.11.050.

30. A direct hydraulic connection exists between the ESPA and surface water sources tributary to the Snake River (e.g., Billingsley Creek) in the Thousand Springs area.

31. The quantity of water available in the Martin-Curren Tunnel, the source of Rangen's water right, is expected to continue to be insufficient during 2014 and beyond. See IDAPA 37.03.11.042.01.a.

32. As previously determined by the Director in the *Final Order*, Rangen has expended reasonable efforts to divert water for its water rights. See IDAPA 37.03.11.042.01.b. Rangen's means of diversion are reasonable.

33. As previously determined by the Director in the *Final Order*, curtailment of junior-priority ground water pumping in the ESPA, including, but not limited to Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlie the ESPA would result in a usable amount of water reaching Rangen's point of diversion in a time of need.

III. RELIEF REQUESTED

Pursuant to the Department's constitutional and statutory duty to supervise the distribution of water under Art. XV, § 3, Idaho Const., I.C. §§ 42-101, 226, 602, 607 and IDAPA 37.03.11.040 or as otherwise provided for by the laws of the State of Idaho, Rangen respectfully requests that the Director:

- A. find that Rangen has suffered, and will suffer, material injury to Rangen's 1884, 1908 and 1957 Water Rights as a result of junior-priority ground water pumping in the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlie the ESPA;
- B. administer and distribute water in the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to the extent those Districts overlie the

ESPA in accordance with the prior appropriation doctrine as required by I.C. § 42-602;

- C. order the water masters of the ESPA, including, but not limited to Water Districts 1, 34, 100, 110, 120, 130 and 140 to curtail junior-priority ground water pumping as necessary to deliver Rangen's water in accordance with the prior appropriation doctrine. See I.C. § 42-607;
- D. order immediate curtailment before any hearing is held because: (1) a determination of material injury has previously been made; (2) IGWA's defenses to Rangen's claim of material injury have been adjudicated; (3) immediate curtailment is necessary to secure an important government or public interest, to-wit, the guaranteed delivery of water rights obtained under the laws of the State of Idaho; (4) there is a need for prompt action in that junior diversions continue to prevent Rangen's ability to obtain all its decreed water flows; and (5) the State of Idaho, by and through its Department of Water Resources and Director, has a duty to supervise the allotment of both surface and ground water to those diverting water for any beneficial purpose; and
- E. if the Department does not order immediate curtailment, then convene a timely hearing of this matter before further damage is done by junior-priority ground water pumping.

DATED this 27 day of June, 2014.

MAY, BROWNING & MAY, PLLC

By: 
J. Justin May

CERTIFICATE OF SERVICE

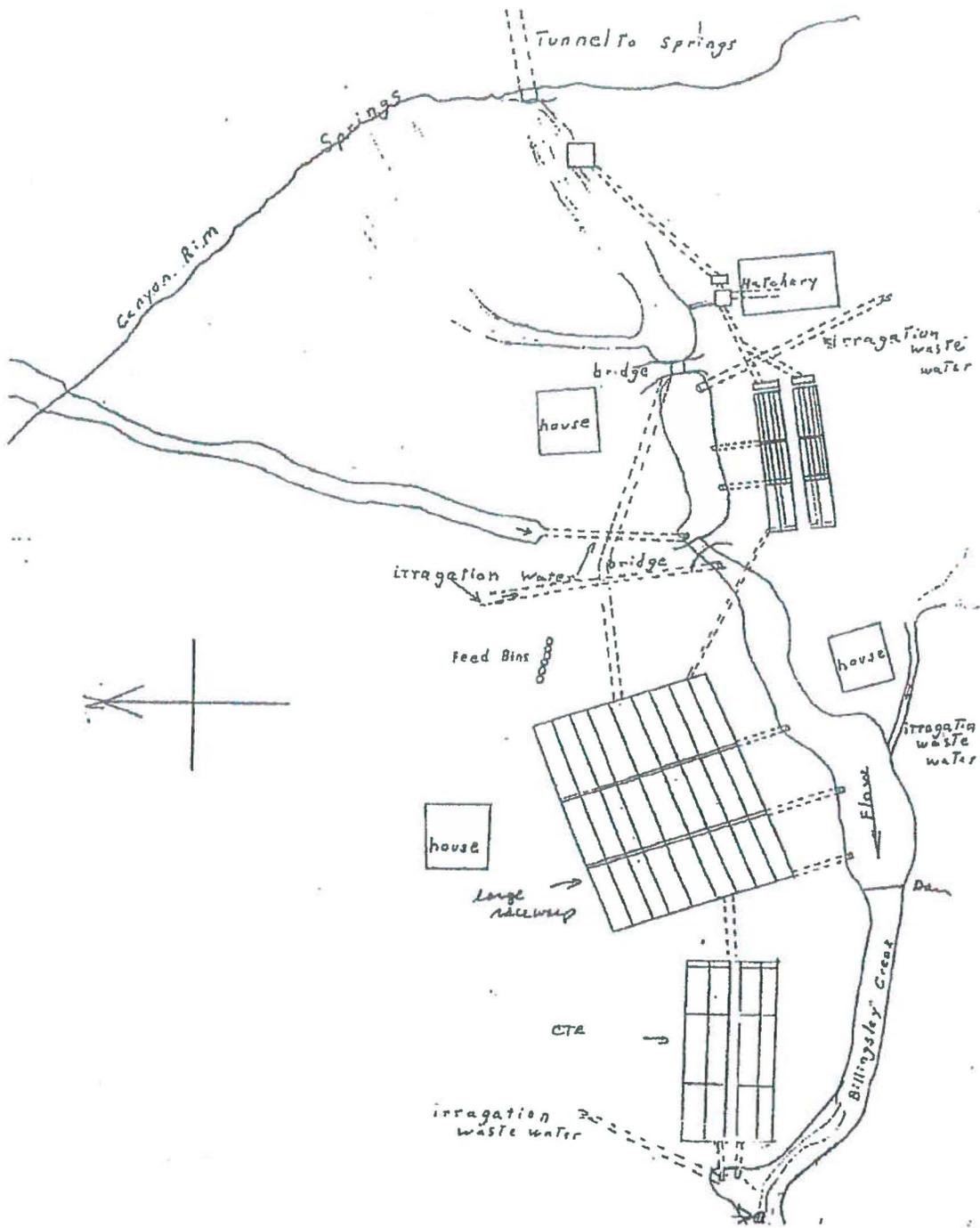
The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 27 day of June, 2014 he caused a true and correct copy of the foregoing document to be served upon the following:

Original: 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 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	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 101 South Capitol Blvd, Ste 300 Boise, ID 83704-1391 Fax: 208-433-0167 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"/>
Sarah Klahn Mitra Pemberton WHITE & JANKOWSKI Kittredge Building,	Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/>

511 16th Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com	E-Mail <input checked="" type="checkbox"/>
Dean Tranmer CITY OF POCA TELLO P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	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"/>
John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com pla@idahowaters.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"/>
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org	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"/>
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	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



Rangen Hatchery Facilities
Hagerman, Idaho

PLAINTIFF'S
EXHIBIT
1A



tabbier
**PLAINTIFF'S
EXHIBIT**
10

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1998 JAN 30 PM 4:18

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-001348

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/09/1884

POINT OF DIVERSION: T07S R14E S32 SESWN Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.09 CFS
	DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.07 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R14E S31	SENE 2	SENE 4
S32	SWNW 1	

7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00135A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE
IRRIGATION SEASON.

DOMESTIC Within GOODING County

T07S R14E S31	SENE
S32	SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

[Signature]
DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00135A

1998 JAN -6 AM 11:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.05 CFS
	DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.05 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R14E S31	SWNE 2 SENE 4
	S32	SWNW 1
	7 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NO. 36-001348 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.0 ACRES IN A SINGLE
IRRIGATION SEASON.

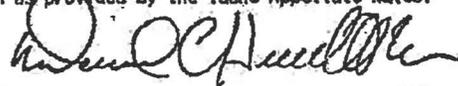
DOMESTIC	Within GOODING County
T07S R14E S31	SENE
S32	SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF THIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02551

NAME & ADDRESS: RANGEN INC
 PO BOX 706
 BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 48.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY,
THIS RIGHT AND RIGHT NO. 36-15501 ARE LIMITED TO A TOTAL
COMBINED FACILITY VOLUME OF 123,272 CU. FT.

PRIORITY DATE: 07/13/1982

POINT OF DIVERSION: T07S R14E S32 SESNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	48.54 CFS
	DOMESTIC 3 HOMES AND 2 OFFICES	01-01 12-31	0.1 CFS

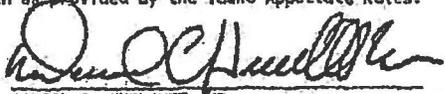
PLACE OF USE:	FISH PROPAGATION	Within GOODING County
	T07S R14E S31	SENE
	S32	SNNW
	DOMESTIC	Within GOODING County
	T07S R14E S31	SENE
	S32	SNNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-15501

NAME & ADDRESS: RANGEN INC
PO BOX 706
BUHL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.46 CFS

THIS RIGHT AND RIGHT NO. 36-02551 ARE LIMITED TO A TOTAL
COMBINED FACILITY VOLUME OF 123,272 CU. FT.

PRIORITY DATE: 07/01/1957

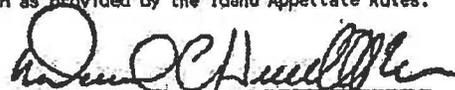
POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	1.46 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R14E S31 SENE
S32 SWNW

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07694

1997 DEC 30 AM 9:46

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: RANGEN INC
PO BOX 706
BURL ID 83316

SOURCE: MARTIN-CURREN TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 26.00 CFS
FACILITY VOLUME=287,640 CU. FT.

PRIORITY DATE: 04/12/1977

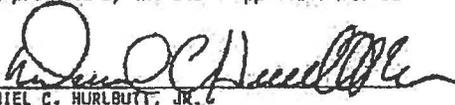
POINT OF DIVERSION: T07S R14E S32 SESWNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	26.00 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R14E S31 SESE
S32 SWNW

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

