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District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
JAN 22 2015	
By _____	Clerk
_____	Deputy Clerk

Attorneys for Tessengerlo Kerley, Inc. and Millenkamp Properties, LLC

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

RANGEN INC., an Idaho corporation,

Petitioner,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, and GARY SPACKMAN, in
his official capacity as Director of the Idaho
Department of Water Resources,

Respondent.

Case No. CV-2014-4970

**AFFIDAVIT OF WILLIAM J.
MILLENKAMP**

STATE OF IDAHO)
 : ss
County of Jerome)

I, WILLIAM J. MILLENKAMP, being first duly sworn upon oath, depose and
state:

1. My name is William J. Millenkamp. I am over the age of eighteen and I
make this affidavit based upon my personal knowledge and belief.

AFFIDAVIT OF WILLIAM J. MILLENKAMP - 1

2. I am a member of Millenkamp Properties, LLC an Idaho limited liability company, which owns a replacement heifer livestock operation in Jerome Idaho. This facility raises thousands of heifer calves for numerous dairies throughout southern Idaho.

3. Millenkamp Properties owns water right number 36-16915. This water right has a priority date of April 24, 1990 and authorizes diversion of 1.36 cfs of ground water for commercial and stockwater purposes in connection with our Jerome facility. This water right constitutes the sole source of water available to water, feed and care for the thousands of calves we raise on site.

4. I have been notified that the Idaho Department of Water Resources intends to curtail the diversion and use of our water right because the Idaho Ground Water Appropriators have failed to meet a January 19, 2015 deadline to construct a pipeline that would deliver water to Rangen, Inc., even though the pipeline project is expected to be completed within the next few weeks.

5. Our calves require continuous care and access to water. These young animals would undergo severe physical stress and perhaps death if deprived of water for even a short period of time.

6. There is no alternate source of water for these calves and they cannot be moved to other locations.

7. If the State of Idaho were to actually force the curtailment of our ground water source, the impact would be devastating to our operation and to the many dairies throughout the State that rely on our operations. It not only would result in the loss of the many jobs we provide in the community but, of course, hundreds more employed by the dairies we serve.

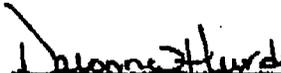
8. It is hard for me to conceive that Rangen, Inc, which I understand has been short of water for many years, and has yet to receive the water promised through the ground water users' pipeline, could be even nominally impacted by a delay of a few weeks in completing the pipeline.

DATED this 22nd day of January, 2015.


WILLIAM J. MILLENKAMP

Subscribed and sworn to before me this 22nd day of January, 2015.




Notary Public for Idaho
Residing at: Shoshone, ID
My Commission Expires: July 3, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of January, 2015, the foregoing was filed, served, and copied as follows:

DOCUMENT FILED:

Clerk of the Court
SRBA Deputy Clerk
PO Box 2707

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Hand Delivered
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IDAHO DEPARTMENT OF WATER
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his official capacity as Director of the Idaho
Department of Water Resources,

Respondent.

Case No. CV-2014-4970

**PETITION OF TESSENDERLO
KERLEY, INC. AND
MILLENKAMP
PROPERTIES, LLC FOR LEAVE
TO INTERVENE AND FOR
EXPEDITED HEARING**

COMES NOW Tessenderlo Kerley, Inc. and Millenkamp Properties, LLC, by and through its counsel Michael C. Creamer and Melodie A. McQuade of the firm Givens Pursley LLP, pursuant to Idaho Rule of Civil Procedure 24(a), and petitions this Court for leave to intervene in the above-entitled action on the ground that the interests of Tessenderlo Kerley, Inc. and Millenkamp Properties, LLC will be affected by the outcome thereof. The grounds for granting this Petition are further set forth below.

The Petitioners hold water rights junior in priority to August 12, 1973 that are subject to the Department's notice of impending curtailment. Although the Petitioners each are members of ground water districts, who through the Idaho Ground Water Appropriators ("IGWA") are responsible for providing mitigation for their members' water rights, it is the Petitioners, and not IGWA or the ground water districts, who will suffer immediate and severe harm if the Department's curtailment proceeds. IGWA therefore is not in a position to articulate the nature and extent of this harm. The purpose of the Petitioners' requested intervention is to present facts to the Court as to the nature and extent of the harm curtailment will inflict on them.

Petitioners' intervention will not unduly burden or prejudice the proceedings or parties.

This Petition is supported by the Declaration of Steven Wayne Sailors and the Affidavit of William J. Millenkamp filed contemporaneously herewith.

Petitioners request that they be granted an expedited hearing on this Petition and that they be allowed to present argument at the hearing scheduled for January 22, 2015 in support hereof. Petitioner's counsel has spoken with counsel for Rangen, Inc. about the purpose of their intervention, and has attempted to speak with counsel for IGWA and the Department.

DATED this 22nd day of January, 2015.

GIVENS PURSLEY LLP

By 

Michael C. Creamer
Melodie A. McQuade
*Attorneys for Tessengerlo Kerley, Inc.
and Millenkamp Properties, LLC*

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Michael C. Creamer