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**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

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

COMES NOW Tessengerlo 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 Tessengerlo 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*

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:

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SRBA Deputy Clerk	<input type="checkbox"/>	Hand Delivered
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Idaho Dept. of Water Resources	<input type="checkbox"/>	Overnight Mail
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