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DEPARTMENT OF  
WATER RESOURCES

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*Attorneys for the Idaho Dairymen's Association*

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

CITIES OF BLISS, BURLEY, CAREY,  
DECLO, DIETRICH, GOODING,  
HAZELTON, HEYBURN, JEROME, PAUL,  
RICHFIELD, RUPERT, SHOSHONE, AND  
WENDELL,

Petitioners,

vs.

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

Respondents.

IN THE MATTER OF THE COALITION OF  
CITIES' SECOND MITIGATION PLAN FOR  
THE DISTRIBUTION OF WATER TO  
WATER RIGHT NOS. 36-15501, 36-02551,  
AND 36-07694 HELD BY RANGEN, INC.

Case No. CV 2015-172

**IDAHO DAIRYMEN'S  
ASSOCIATION PETITION TO  
APPEAR AS AMICUS CURIAE**

Fee Category A: \$221.00

IN THE MATTER OF DISTRIBUTION OF  
WATER RIGHT NOS. 36-02251 & 36-07674  
(RANGEN, INC.)

IN THE MATTER OF DISTRIBUTION OF  
WATER TO RANGEN, INC'S WATER RIGHT  
NOS. 36-15501, 36-135B, AND 36-135A  
(RANGEN, INC.)

COME NOWS, the Idaho Dairymen's Association, Inc., ("IDA") by and through its attorneys, Sawtooth Law Offices, PLLC, and pursuant to I.R.C.P. 84(r) and I.A.R. 8, herby seeks leave of the Court to participate in this proceeding as amicus curiae in support of the Petitioners.

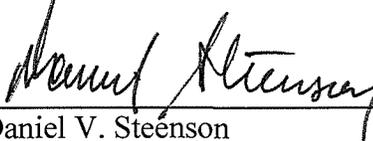
One of the issues raised by the Petitioners is whether the Director of the Idaho Department of Water Resources ("IDWR") erred in rejecting an unprotested, stipulated mitigation plan which a senior water right holder agreed to accept as mitigation for injury allegedly caused by the Petitioners' exercise of their junior water rights.

IDA has a substantial interest in the Court's resolution of this issue. IDA is a non-profit entity which represents the interests of all of dairy producers within the State of Idaho. IDA's members hold water rights that have been and may continue to be subject to water deliver calls filed with IDWR by senior water right holders. IDA has filed, and may file in the future, stipulated plans like the one the IDWR Director rejected in this case, to provide senior water right holders mitigation in lieu of curtailment of the water rights of IDA's members. IDA believes that there is no legal basis for the Director to reject an unprotested, stipulated mitigation plan that is accepted by a senior water right holder to allow a junior water right holder to provide mitigation for the junior's alleged injury to the senior as an alternative to curtailment.

For these reasons, IDA respectfully requests that the Court to grant IDA limited leave to file briefing and participate in oral argument on the issue identified herein in accordance with any issued scheduling order and filing deadlines.

Respectfully submitted the 1<sup>st</sup> day of May, 2015.

**SAWTOOTH LAW OFFICES, PLLC**

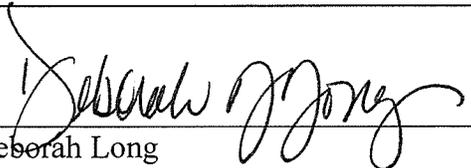
  
 Daniel V. Steenson  
 Attorneys for the Idaho Dairymen's Association, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 1<sup>st</sup> day of May, 2015 by the following method:

SRBA District Court 253 3rd Ave. North P.O. Box 2707 Twin Falls, Idaho 83303-2707	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Electronic Mail
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<p>Justin May  May, Browning &amp; May PLLC  1419 W. Washington  Boise, Idaho 83702</p>	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Electronic Mail
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<p>John Rosholt  Barker Rosholt &amp; Simson LLP  196 River Vista Place Suite 204  Twin Falls, ID 83301-3029</p>	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Electronic Mail
<p>W. Kent Fletcher  Fletcher Law Office  PO Box 248  Burley, Idaho 83318</p>	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Electronic Mail
<p>Sarah Klahn  White &amp; Jankowski, LLP  511 16<sup>th</sup> St. Ste. 500  Denver, CO 80202</p>	<input checked="" type="checkbox"/> U.S. First Class Mail, Postage Prepaid <input type="checkbox"/> U.S. Certified Mail, Postage Prepaid <input type="checkbox"/> Federal Express <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Electronic Mail

  
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Deborah Long