



customary pre-hearing opportunities to submit statements of issues, and to present argument and submit briefing on all issues that are raised during hearing.

### **Initial Grounds For Protest**

1. Blue Lakes has not had an opportunity to determine whether the *Plan* provides adequate mitigation for the injury caused to Blue Lakes' water rights by diversion of ground water pursuant to A&B's "Enlargement Rights." Blue Lakes files this *Protest* to preserve its rights and opportunities to review and respond to the *Plan* and the Department's determination of the adequacy of the *Plan*.

2. The Director cannot lawfully approve the *Plan* unless Blue Lakes agrees to accept the proposed mitigation as an alternative to curtailment of junior ground water rights.

Dated this 28<sup>th</sup> day of September, 2009.

RINGERT LAW, CHTD.



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Daniel V. Steenson  
Attorneys for Blue Lakes Trout Company, LLC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of September, 2009, I served a true and correct copy of the foregoing **PROTEST TO GROUND WATER USERS' JOINT MITIGATION PLAN FOR 2009** by delivering it to the following individuals by the method indicated below, addressed as stated.

Interim Director Gary Spackman  
c/o Victoria Wigle  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098  
[victoria.wigle@idwr.idaho.gov](mailto:victoria.wigle@idwr.idaho.gov)

- U.S. Mail, Postage Prepaid
- Facsimile
- Hand Delivery
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