

ORIGINAL

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JAN 28 2013

DEPARTMENT OF WATER RESOURCES

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Attorneys for Idaho Ground Water Appropriators, Inc.

**BEFORE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
02551 & 36-07694

(RANGEN, INC.)

Docket No. CM-DC-2011-004

**AFFIDAVIT OF CANDICE McHUGH IN
SUPPORT OF IGWA'S RESPONSE TO
RANGEN'S MOTION FOR
PROTECTIVE ORDER RE: OTHER
FACILITIES**

STATE OF IDAHO)
)
COUNTY OF ADA) ss.

Candice M. McHugh being fully sworn upon oath, deposes and states as follows:

1. I am one of the attorneys representing the Idaho Ground Water Appropriators, Inc. in the above-referenced matter and make the following Affidavit upon my personal knowledge of the facts and circumstances set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the October 17, 2003 letter from IDWR to May.

3. Attached hereto as **Exhibit B** is a true and correct copy of *Rangen's Response to*

IGWA's First Discovery Requests to Rangen dated June 27, 2012.

2. Attached hereto as **Exhibit C** is a true and correct copy of a December 16, 1993, letter from Rangen Aquaculture Research Center, Inc.

3. The Department of Agriculture responded to my office's Public Information Request by letter dated November 19, 2012. The documents were received by my office on or about November 21, 2012. IGWA provided the documents to Rangen through its *Fourth Supplemental Response to Rangen, Inc.'s First Discovery Request* on December 4, 2012.

4. On or about November 5, 2012, I received a phone call from Robyn Brody notifying me that Rangen had discovered some old floppy discs in the Rangen research files.

a. She stated that Rangen had contacted a computer forensic service in Pocatello, Idaho, about obtaining information from the disc. She inquired whether IGWA would actually review any information that was recovered from the disks. I asked her what kind of information they expected to be on the disc and she was not sure.

b. During the same call, she also requested that the Ramsey second deposition that had been scheduled be postponed until the information on the computer discs could be recovered. She stated that she wanted to avoid a third deposition of Ramsey, in the event information from the discs was relevant and needed clarification.

c. I stated that IGWA was not willing to delay the Ramsey second deposition because of what might be recoverable on the computer disks but would need to discuss postponement with Ms. Klahn since she too was planning on taking Ramsey's deposition.

d. I stated that in the event the computer forensic effort recovered information prior Ramsey's second deposition to let me know.

e. We did not discuss costs of obtaining information from the discs.

f. Based on our conversation, it was my understanding that Rangen was going to investigate what kind of information was on the discs and then follow up as soon as that information was available.

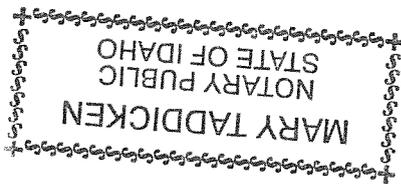
g. I did not receive any further communication from Rangen or its counsel about the computer discs until the small amount of information that was recovered was produced electronically on January 8, 2013.

FURTHER, Affiant sayeth naught.

DATED this 28th day of January, 2013.


CANDICE M. McHUGH

SUBSCRIBED and sworn to before me this 28th day of January, 2013.




Notary Public for Idaho
Residing at Boise, ID
My commission expires 9-12-13

CERTIFICATE OF MAILING

I hereby certify that on this 28th day of January 2013, AFFIDAVIT OF CANDICE McHUGH IN SUPPORT OF IGWA'S RESPONSE TO RANGEN'S MOTION FOR PROTECTIVE ORDER RE: OTHER FACILITIES, was served by U.S. Mail postage prepaid to the following:


Signature of person mailing form

Original:

Director, Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
Attn: Deborah Gibson
Deborah.Gibson@idwr.idaho.gov

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EXHIBIT A



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 17, 2003

J. Dee May
May, Sudweeks & Browning, LLP
516 Second Street East
P. O. Box 1846
Twin Falls, ID 83303

VIA FACSIMILE TO (208) 733-7967 AND FIRST CLASS MAIL

Re: Distribution of Water to Water Rights Nos. 36-02551, 36-07694, and 36-15501

Dear Mr. May:

This is in response to your letter dated October 6, 2003, which was received in my office on October 10, regarding the administration of water rights junior in priority to water rights no. 36-02551 for 48.54 cfs (priority date of July 7, 1962), no. 36-07694 for 26.0 cfs (priority date of April 12, 1977), and no. 36-15501 for 1.46 cfs (priority date of July 1, 1957), used by Rangen, Inc. at its fish propagation facilities. I have been out of town at various meetings and did not see your letter until yesterday, October 16.

The reason I sought additional clarification by my letter dated September 25, 2003, regarding your earlier letter dated September 21, was that in your letter you specifically asked to have "the diversion of water in District 36A" (emphasis added) administered such that Rangen, Inc. "receives its full appropriation of the above-referenced water rights." Because of the specific reference to Water District No. 36A, I did not understand your request to include the clarification provided in your October 6 letter that you had meant for your request to include administration of "all water right diversions junior to ours that are interfering with and impacting our water rights under the water right numbers referenced above."

The spring flow available for water rights nos. 36-02551, 36-07694, and 36-15501, is allocated to the rights in order of priority. To the extent that the more junior right(s) are not receiving the full quantity of water authorized under the right(s), and since there are no surface water rights that are junior in priority to the listed rights that divert from the same sources as the listed rights, your request for water rights administration will be treated as a call for water

delivery under the "Rules for Conjunctive Management of Surface and Ground Water Resources" (IDAPA 37.03.11) ("Conjunctive Management Rules"). The rules are available at the following website:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/0311.pdf>

These rules prescribe how IDWR is to respond to a call for water delivery made by a holder of a senior priority surface or ground water right. Rules 40 and 30 of the Conjunctive Management Rules prescribe procedures for responding to delivery calls against junior priority ground water rights that are and are not within a water district where ground water regulation is included in the function of such districts, respectively.

With this letter, I am initiating a response to your delivery call as against junior priority ground water rights in Water Districts Nos. 120 and 130, the only water districts over the Eastern Snake River Plain Aquifer (ESPA) upgradient from the Thousand Springs area within which ground water regulation is included. If you wish to have your delivery call applied against junior priority water rights from the ESPA that are not in Water Districts Nos. 120 or 130, you will need to follow the process outlined in Rule 30 of the Conjunctive Management Rules.

In responding to your calls for water delivery under Rule 40 of the Conjunctive Management Rules, I must first make findings that material injury is occurring and determinations of reasonableness of water diversions under the listed water rights, as provided in Rule 42 of the Conjunctive Management Rules. I do not have sufficient information to make the findings required by Rules 40 and 42 of the Conjunctive Management Rules. Therefore, I will need certain additional information as follows:

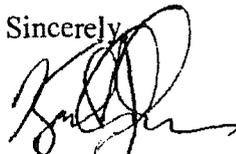
- (1) The amount of water available to supply the listed water rights from the surface water sources from which the right is diverted;
- (2) The configuration of diversion works used to divert water under the listed water rights;
- (3) The amounts of water being diverted at the present time as well as the amounts of water historically diverted under the listed water rights;
- (4) The configuration of water measuring and recording devices used to measure the quantity of water diverted under the listed rights; and
- (5) The potential for supplying water to the listed rights by implementing alternate reasonable means of diversion or alternate points of diversion.

Developing the above information will require site visits by the watermaster for Water District No. 36A, the watermaster for Water District No. 130, and at least one or two other employees of IDWR. Please have a representative of Rangen, Inc. contact Cindy Yenter, the

J. Dee May
October 17, 2003
Page 3 of 3

watermaster for Water District No. 130, at the Department's offices in Twin Falls (telephone no. 208-736-3033) as soon as possible to schedule site visits. In addition, please provide me with all historical records of the amounts of water diverted under the listed rights as soon as practicable.

Sincerely,



Karl J. Dreher
Director

- c: Cindy Yenter – Water District No. 130 Watermaster
Lewis Rounds – Water District No. 120 Watermaster
Frank Irwin – Water District No. 36A Watermaster
Tim Luke – IDWR
North Snake Ground Water District
Magic Valley Ground Water District
Aberdeen-American Falls Ground Water District
Bingham Ground Water District
Bonneville-Jefferson Ground Water District

EXHIBIT B

RECEIVED JUN 29 2012

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Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION
DELIVERY CALL OF RANGEN, INC.'S
WATER RIGHT NOS. 36-02551 & 36-
7694

Docket No. CM-DC-2011-004

**RANGEN, INC.'S RESPONSE TO
IGWA'S FIRST SET OF
DISCOVERY REQUESTS**

COMES NOW, Rangen, Inc. ("Petitioner"), by and through its counsel of record, J. Justin May of May, Browning & May, and responds to IGWA's First Set of Discovery Requests as follows:

GENERAL OBJECTIONS

1) Petitioner objects to the Requests to the extent that they seek information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege or immunity.

2) Petitioner objects to the Requests as premature, burdensome, and improper to the extent they seek factual information in support of Petitions and Claims that Petitioner has not had opportunity to fully prepare and for which Petitioner may require discovery from Plaintiffs or others. These responses are subject to the discovery or recollection of additional information, knowledge, or facts.

3) These responses are provided pursuant to the Rules of Procedure of the Idaho Department of Water Resources ("IDWR") and the Idaho Rules of Civil Procedure to the extent incorporated by the IDWR. To the extent the Requests attempt to impose any differing or additional instructions, definitions, or obligations, Petitioner objects to the Requests.

INTERROGATORIES

Interrogatory No. 1: Please state the name, address, phone number, and relation to Rangen of each person answering these interrogatories.

Response to Interrogatory No. 1: Wayne Courtney, Vice President, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421.

Interrogatory No. 2: Please state the name, address, phone number, and relation to Rangen of each person who has supplied information for answers to these interrogatories, and specify the interrogatories for which such person has supplied information.

Response to Interrogatory No. 2: Petitioner objects to this interrogatory on the grounds that it calls for information protected by attorney-client privilege and/or work-product doctrine.

Interrogatory No. 3: Please identify each item that you may attempt to introduce into evidence at the hearing in this matter, and explain the alleged significance of each item. As to each item that consists of more than 15 pages or more than 3,000 words,

quote or otherwise specifically designate the portion of such item that you contend is relevant to this matter.

Response to Interrogatory No. 3: Petitioner objects to this interrogatory on the grounds that it calls for information protected by attorney-client privilege and/or work-product doctrine and is overly broad and burdensome. Without waiving this objection, Petitioner has made no decisions concerning what evidence it intends to offer at the hearing. Discovery is ongoing and the Response to this Interrogatory may be supplemented in accordance with Rules of Procedure of Idaho Department of Water Resources ("IDWR") and the Idaho Rules of Civil Procedure as incorporated by the IDWR. Petitioner will comply with the Director's Scheduling Order issued June 12, 2012.

Interrogatory No. 4: State the name and last known address of each person consulted as an expert witness on your behalf concerning this matter; and, with respect to each, state the following:

- a. The scientific, technical or other specialized knowledge possessed by such person.
- b. The knowledge, skill, experience, training and education which qualifies such person as an expert.
- c. All facts and data upon which the expert bases his opinion.
- d. All opinions and inferences to which the expert may testify and the reasons therefor.

Response to Interrogatory No. 4: Petitioner objects to this Interrogatory on the basis of and to the extent it requests the identity and disclosure of facts known or opinions held by experts who have been retained or specifically employed in anticipation of litigation or in preparation for the hearing of this matter and who are not expected to be called as witnesses at the hearing in accordance with Rules of Procedure of Idaho Department of Water Resources ("IDWR") and the Idaho Rules of Civil Procedure as incorporated by the IDWR. Without waiving and subject to this objection, at this time Petitioner has not yet made a determination as to the expert witnesses it intends to call at any hearing in this matter. Discovery is ongoing and the Response to this Interrogatory may be supplemented in accordance with Rules of Procedure of Idaho Department of

Water Resources ("IDWR") and the Idaho Rules of Civil Procedure as incorporated by the IDWR. Petitioner will comply with the Director's Scheduling Order issued June 12, 2012.

Interrogatory No. 5: Name and identify the last known address and phone number of each person you may call as a witness at the hearing in matter action and briefly state the facts to which you expect each such witness to testify.

Response to Interrogatory No. 5: Petitioner objects to this interrogatory on the grounds that it calls for information protected by attorney-client privilege and/or work-product doctrine. Without waiving this objection, Petitioner has made no decisions concerning who may be called as a witness at the hearing. Discovery is ongoing and the Response to this Interrogatory may be supplemented in accordance with Rules of Procedure of Idaho Department of Water Resources ("IDWR") and the Idaho Rules of Civil Procedure as incorporated by the IDWR. Petitioner will comply with the Director's Scheduling Order issued June 12, 2012.

Interrogatory No. 6: State the name, address, and telephone number of each person with knowledge of facts relating to your claim of material injury, and describe in general fashion the substance of facts to which each person has knowledge.

Response to Interrogatory No. 6: The Petitioner objects to this request as being overly broad and burdensome. Without waiving any objection, the people who may have knowledge of the facts relating to Petitioner's claim of material injury include the following persons:

- a) Wayne Courtney, Vice President, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421. Has knowledge of the Rangen facility and the use and availability of water at the facility;
- b) Doug Ramsey, Research Scientist, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421. Has knowledge pertaining to the research and laboratory division of the Rangen facility and the quality and quantity of water available at the facility;
- c) Joy Kinyon, Manager of Aquaculture Division, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421. Has knowledge pertaining to the hatchery and aquaculture division of the Rangen facility;

- d) Lonnie Tate, Fish Culturist, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421. Has knowledge pertaining to the hatchery and aquaculture division of the Rangen facility;
- e) Dan Maxwell, Fish Culturist, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421. Has knowledge pertaining to the hatchery and aquaculture division of the Rangen facility;
- f) Don Johnson, Research Scientist, Rangen, Inc., 115 13th Ave. S., P.O. Box 706 Buhl, Idaho 83316-0706, (208) 543-6421. Has knowledge pertaining to the research and laboratory division of the Rangen facility and the quality and quantity of water available at the facility;
- g) Other employees and agents of Rangen, Inc.;
- h) Dave Blew, Idaho Power;
- i) Greg Clark, U.S. Geological Survey;
- j) Current and former Employees and Agents of the Idaho Water Resources Research Institute (IWRRI);
- k) Donna Cosgrove, previously IWRRI Lead;
- l) Frank Erwin, Watermaster;
- m) Current and former employees, Directors and agents of the Idaho Department of Water Resources (IDWR);
- n) Members of Idaho Ground Water Appropriators (IGWA);
- o) Current and former members of the Eastern Snake Hydrologic Modeling Committee;
- p) Other ground water and spring water users within the Eastern Snake River Plain Aquifer (ESPA).

Interrogatory No. 7: Identify and describe in detail all documents that you or your attorney are aware of that in any way pertain to your claim of material injury.

Response to Interrogatory No. 7: Petitioner objects to this request as being overly broad and burdensome. Without waiving and subject to these objections, see Petition and documents attached thereto and referenced therein. See also documents identified in the expert witness disclosures which will be provided in accordance with the Director's Scheduling Order issued June 12, 2012. The Petitioner also believes that documents which are relevant include, but are not necessarily limited to, the decrees for

water rights 36-2551 and 36-7694 and the quantities described in those decrees versus the actual quantities of water obtained by the Petitioner as contained in the measurements for those water rights.

Interrogatory No. 8: Describe all sources of water used at the Rangen facility and how such water is used.

Response to Interrogatory No. 8: 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. Rangen's water comes from a spring through the Martin-Curran Tunnel which is a tributary to Billingsley Creek, a tributary of the Snake River in Gooding County. Rangen has five (5) water rights for the Research Hatchery that have been decreed through the Snake River Basin Adjudication: Water Right Nos. 36-00134B, 36-00135A, 36-15501, 36-02551, 36-07694. The Rangen facility uses this spring water source to conduct research and development and to raise fish in the Hatchery.

Interrogatory No. 9: Describe any seasonal and other patterns of water use at the Rangen facility.

Response to Interrogatory No. 9: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence with respect to this facility. Without waiving and subject to this objection, Rangen has, and will, beneficially use all water available pursuant to its decreed water rights at all times throughout the year. Rangen's need for water and its use of water do not vary seasonally.

Interrogatory No. 10: Has Rangen ever considered, explored, or developed alternative sources of supply of water for use at the Rangen facility? If the answer is yes, please provide a detailed description of what Rangen considered, explored, or developed. If the answer is no, please provide a detailed description of why not.

Response to Interrogatory No. 10: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 11: Identify all alternate sources of water that you believe could potentially be used to increase the supply of water available to the Rangen facility.

Response to Interrogatory No. 11: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Rangen does not believe that there are any such feasible alternate sources of water available to the Rangen facility.

Interrogatory No. 12: Has Rangen ever considered, explored, or implemented water conservation or re-use practices at the Rangen facility? If the answer is yes, please provide a detailed description of what Rangen considered, explored, or implemented. If the answer is no, please provide a detailed description of why not.

Response to Interrogatory No. 12: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 13: Identify and describe all water conservation or re-use practices that you believe could potentially be effectively implemented within the Rangen facility.

Response to Interrogatory No. 13: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Rangen does not believe that there are any such additional feasible water conservation or re-use practices that have not already been implemented.

Interrogatory No. 14: Identify all alternate points of diversion that you believe could potentially be used to increase the supply of water available to the Rangen facility.

Response to Interrogatory No. 14: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Rangen does not believe that there are any such alternate points of diversion.

Interrogatory No. 15: Identify the locations of all groundwater wells used to supply water to the Rangen facility, and for each such well explain how its groundwater is used within the Rangen facility.

Response to Interrogatory No. 15: To the best of Petitioner's knowledge, no groundwater wells are used to supply water to the Rangen facility.

Interrogatory No. 16: Have you ever investigated using groundwater within the Rangen facility? If so, please explain what investigations have been performed and any conclusions reached from those investigations.

Response to Interrogatory No. 16: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 17: Describe in chronological fashion the historical development of the Rangen facility, including (but not limited to) all additions, modifications, expansions, and reconfigurations of the Rangen facility.

Response to Interrogatory No. 17: Petitioner objects to this interrogatory on the grounds and to the extent that it overly broad, unduly burdensome, and seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 18: For each development described in your answer to Interrogatory Number 17, please describe what effect the development had on the operation of and beneficial use of water within the Rangen facility.

Response to Interrogatory No. 18: Petitioner objects to this interrogatory on the grounds and to the extent that it overly broad, unduly burdensome, and to the extent it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 19: Has Rangen or to Rangen's knowledge any other person or entity improved or attempted to improve the spring outlets that supply the Water Rights? If yes, please describe all such improvements or attempted improvements.

Response to Interrogatory No. 19: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 20: Identify each person who makes fish stocking and rearing decisions at the Rangen facility, and describe his/her qualifications, by whom he/she is employed, and how many years he/she has worked at the Rangen facility.

Response to Interrogatory No. 20: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving and subject to this

objection, see Response to Interrogatory No. 6.

Interrogatory No. 21: List the name and address of all fish rearing, hatchery, processing, brooding or other such type of facility owned in whole or in part or operated or managed by Rangen, and for each such facility identify its location, the name(s) of its operator(s), and the water rights that supply the facility.

Response to Interrogatory No. 21: The Rangen Aquaculture Research Center (“RARC”), 2928 B. South 1175 East, Hagerman, Idaho, 83332. The facility is operated by Rangen, Inc. See Response to Interrogatory No. 8.

Interrogatory No. 22: For the Rangen facility, describe (using one or more aerial photos if desired) the locations of all of the following items:

- a. Spring outlets that supply the Water Rights.
- b. Points of diversion of the Water Rights.
- c. Points of discharge of the Water Rights.
- d. Course(s) of water flow of the Water Rights between the point(s) of diversion and point(s) of discharge.
- e. Devices used to measure the quantity or quality of water flow.
- f. ~~Where any other water quality sampling and measurements are taken;~~

Response to Interrogatory No. 22: See the sketch of the Rangen Hatchery Facilities, attached hereto as Exhibit 1A, and aerial photograph attached as Exhibit 1B to the Petition filed in this matter. See Petition and documents attached thereto and referenced therein. IGWA’s attorneys and Experts recently visited the facility and observed each of those locations.

Interrogatory No. 23: Identify all agencies to whom water quality or quantity data from the Rangen facility are reported to, and the method and frequency of such reports.

Response to Interrogatory No. 23: The Rangen facility prepares a Discharge Monitor Report (“DMR”) every month. The original report goes to the Environmental Protection Agency (“EPA”), and a copy goes to the Idaho Department of Environmental Quality (“DEQ”). Rangen has been providing the DMRs since the 1970’s in paper hardcopy format, and electronically since December of 2011. In the past five years, the quarterly DMRs contain data on the total solids (“TSS”), total phosphorous, and flow;

whereas, the remaining monthly DMRs only report on flow. Prior to this five year cycle, data on temperature and nutrient measurements was required. In addition, the Rangen facility reports flow measurements to the Idaho Department of Water Resources ("IDWR").

Interrogatory No. 24: Describe all types of measurements and water quality samples that are taken with respect to the Rangen facility for purposes of reporting to the Idaho Department of Environmental Quality.

Response to Interrogatory No. 24: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving and subject to this objection, as to water quantity issues requested, see response to Interrogatory No. 23.

Interrogatory No. 25: Describe all water treatment processes performed within the Rangen facility; the location, reason, and frequency of such treatments; the process of such treatments; and the chemicals, antibiotics, or other products used in such treatments.

Response to Interrogatory No. 25: Petitioner objects to this interrogatory on the grounds that it is overbroad and it seeks information that is proprietary and confidential and is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving and subject to these objections, the spring water is not treated before it goes into the Rangen facility. The water does not require treatment. The Rangen facility does not use chemicals to treat the water quality. On occasions where the fish mortality rate rises above an acceptable loss, a diagnosis of the fish is conducted and, if internal bacteria are detected, then the Rangen facility uses antibiotics to treat the fish.

The water is treated before it leaves the facility. Plants, leaves and other materials are removed daily from the raceway screens and are periodically hauled from collection points for disposal. Mortalities are removed daily and placed in an enclosed pit located hundreds of yards from any waterway or fish rearing area. Once the pit is full it is covered with several feet of dirt to secure the material. Feed is the primary input that results in effluent waste and is managed through demand feeders to ensure that all feed is eaten once entering the fish rearing area in order to minimize waste production. The hatchery employs quiescent zones and an offline settling basin to provide treatment of raceway effluent and waste streams during cleaning. To accomplish this, raceways are

brushed daily to move solids into the quiescent zones for settling and subsequent removal. Settling solids are vacuumed once per month from quiescent zones and pumped into the offline settling basin where they are stored. The settling basin is then cleaned as needed with the solids being removed by backhoe and hauled to a drying area on fallow pasture once per year.

Interrogatory No. 26: Describe how the number of fish produced at the Rangen facility has changed over time.

Response to Interrogatory No. 26: Petitioner objects to this interrogatory on the grounds that it seeks information that is privileged, confidential and proprietary and seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving, and subject to, this objection, the primary limiting factor as to the number of fish that can be produced at the Rangen facility is water flow.

Interrogatory No. 27: Describe how fish production numbers have changed over time utilizing existing rearing containers at the Rangen facility.

Response to Interrogatory No. 27: Petitioner objects to this interrogatory on the grounds that it seeks information that is privileged, confidential and proprietary and seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving, and subject to, this objection, the primary limiting factor as to the number of fish that can be produced at the Rangen facility is water flow.

Interrogatory No. 28: Are any fish rearing raceway/ponds at the Rangen facility not being utilized due to water volume, flow, or dissolved oxygen constraints?

Response to Interrogatory No. 28: Yes.

Interrogatory No. 29: Describe how fish stocking or restocking decisions are made and in which month(s) fish stocking occurs at the Rangen facility. Please include in the description what density and flow indexes are used at the facility, and any other methods or loading factors used to make such decisions.

Response to Interrogatory No. 29: Petitioner objects to this interrogatory on the grounds that it seeks information that is privileged, confidential and proprietary and seeks information that is not relevant and not likely to lead to the discovery of admissible

evidence. Without waiving, and subject to, this objection, the primary limiting factor as to the number of fish that can be produced at the Rangen facility is water flow.

Interrogatory No. 30: Explain whether dissolved oxygen and total gas saturation parameters fluctuate during the year and how, where, and how often this data collected.

Response to Interrogatory No. 30: Petitioner objects to this interrogatory on the grounds and to the extent that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving, and subject to, this objection, there is virtually no change in the dissolved oxygen and total gas saturation parameters over the course of the year. Data on the oxygen level is currently only collected sporadically when there has been a high mortality in a particular raceway.

Interrogatory No. 31: What water turnover rates are used in the fish rearing containers at the Rangen facility?

Response to Interrogatory No. 31: Petitioner objects to this interrogatory on the grounds that it seeks information that is privileged, proprietary and confidential and is not relevant and not likely to lead to the discovery of admissible evidence.

Interrogatory No. 32: With respect to water right no. 36-02551 describe:

- a. Evidence showing material injury to this water right.
- b. The amount of water available at the source at the time this water right was originally appropriated.
- c. Seasonal fluctuations in the supply of water under this water right at the time it was originally appropriated.
- d. If Rangen receives the relief it is requesting in this case, how much additional water is expected to accrue to this water right under steady-state conditions.
- e. In detail how such additional water will be beneficially used.
- f. How and to what extent Rangen has been damaged as a result of the alleged material injury to this water right.

Response to Interrogatory No. 32: See the decree and Response to Interrogatory No. 4 and No. 8. See also Petition and documents attached thereto and referenced therein.

Interrogatory No. 33: With respect to water right no. 36-7694 describe:

- a. Evidence showing material injury to this water right.
- b. The amount of water available at the source at the time this water right was originally appropriated.
- c. Seasonal fluctuations in the supply of water under this water right at the time it was originally appropriated.
- d. If Rangen receives the relief it is requesting in this case, how much additional water is expected to accrue to this water right under steady-state conditions.
- e. In detail how such additional water will be beneficially used.
- f. How and to what extent Rangen has been damaged as a result of the alleged material injury to this water right.

Response to Interrogatory No. 33: See the decree and Response to Interrogatory No. 4 and No. 8. See also Petition and documents attached thereto and referenced therein.

REQUESTS FOR PRODUCTION

Request for Production No. 1: Please produce all documents which pertain to and/or on which you base your answers to the Plaintiff's Interrogatories.

Response to Request for Production No. 1: The Petitioner objects to this request as being overly broad and burdensome.

Request for Production No. 2: Produce all exhibits or documentary evidence that you intend to produce at the hearing in this matter.

Response to Request for Production No. 2: See Objection and Response to Interrogatory No. 3.

Request for Production No. 3: Produce all maps, diagrams, drawings, and surveys showing all or part of the Rangen facility.

Response to Request for Production No. 3: See Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 4: Produce each and every document that tends to support or discredit your claim of material injury.

Response to Request for Production No. 4: The Petitioner objects to this request as being overly broad and burdensome. The request asks the Petitioner to characterize documents, which is not appropriate for a Request for Production. The Petitioner is not required to characterize documents or make conclusions about documents. Without waiving and subject to this objection, see Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 5: Produce all records in your possession of water flows in the Rangen facility.

Response to Request for Production No. 5: See Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 6: Produce all records in your possession of water flows from the springs that supply the Water Rights.

Response to Request for Production No. 6: See Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 7: Produce all water right permits, licenses, and decrees under which the Rangen facility is operated.

Response to Request for Production No. 7: See Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P. These documents are also available to IGWA on IDWR's website and/or the SRBA website.

Request for Production No. 8: Produce all water quality permits and related documents issued to Rangen by any regulatory agency, including inspections and infractions related thereto.

Response to Request for Production No. 8: The Petitioner objects to this request on the grounds and to the extent it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence. Without waiving, and subject to, this objection, such information is publically available.

Request for Production No. 9: Produce all documents related to water quality at the Rangen facility.

Response to Request for Production No. 9: See Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 10: Produce all documents of processes, chemicals, and antibiotics used to treat water used within or discharged from the Rangen facility.

Response to Request for Production No. 10: See Response to Interrogatory No. 25.

Request for Production No. 11: Produce all documents identifying the quantities and dates of chemical or antibiotic application within the Rangen facility.

Response to Request for Production No. 11: See Response to Interrogatory No. 25.

Request for Production No. 12: Produce all documents related to dissolved oxygen and total gas saturation at the Rangen facility.

Response to Request for Production No. 12: See Response to Interrogatory No. 30. All documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to 34(b)(2) of the I.R.C.P.

Request for Production No. 13: Produce all documents of fish disease incidents and pathology records for the Rangen facility, including date of incident, cause of incident, incident response, treatment methods used, numbers of fish lost or destroyed and future corrective actions developed as a result of the incident.

Response to Request for Production No. 13: Petitioner objects to this request on the grounds that it seeks information that is privileged, proprietary and confidential and is not relevant and not likely to lead to the discovery of admissible evidence.

Request for Production No. 14: Produce all documents related to any wells, well pumps, groundwater production, and groundwater quality within one mile of the Rangen facility.

Response to Request for Production No. 14: Petitioner objects to this request as overbroad and burdensome. Without waiving and subject to this objection, see Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 15: Produce all documents associated with geologic or hydrologic investigations of springs, groundwater, or groundwater wells within one mile of the Rangen facility.

Response to Request for Production No. 15: Petitioner objects to this request as overbroad and burdensome. Without waiving and subject to this objection, see Petition and documents attached thereto and referenced therein. Other documents responsive to this request in Petitioner's possession will be made available for inspection and copying pursuant to Rule 34(b)(2) of the I.R.C.P.

Request for Production No. 16: Produce the following materials and information for each expert who has been retained or employed by you in preparation for the administrative hearing in this delivery call:

- a. All data or other information considered by the expert in forming the opinions, including any and all exhibits to be used as a summary or to support the expert's opinion.
- b. The qualifications of the expert, including a list of all publications authored by the expert within the preceding ten years.
- c. All reports and draft reports which relate directly or indirectly to this proceeding.
- d. List of all cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

Response to Request for Production No. 16: See Objection and Response to Interrogatory No. 4.

Request for Production No. 17: Produce the past 7 years of federal and state tax returns and financial statements for the Rangen facility and/or Rangen Inc.

Response to Request for Production No. 17: Petitioner objects to this request for production on the grounds that it seeks documentation that is privileged, confidential, and not relevant or likely to lead to the discovery of admissible evidence.

Request for Production No. 18: Produce all documents that show whether Rangen improved or attempted to improve the source of supply or spring discharge for the water rights that are used at the Rangen facility. Include copies of any engagement letters and agreements with engineering or other consultants/firms, draft engineering or consultant reports, grant or other funding applications and exhibits and written communications relating to such improvements or attempted improvements.

Response to Request for Production No. 18: Petitioner objects to this request on the grounds that it seeks information that is not relevant and not likely to lead to the discovery of admissible evidence.

[remainder of page intentionally left blank]

DATED This ____ day of June, 2012.

BRODY LAW OFFICE, PLLC

By _____
Robyn M. Brody

HAEMMERLE & HAEMMERLE, PLLC

By _____
Fritz X. Haemmerle

MAY, BROWNING & MAY

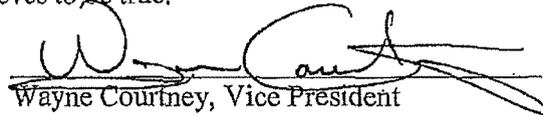
By _____
J. Justin May

VERIFICATION

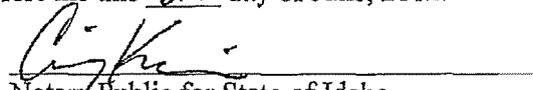
STATE OF IDAHO)
) ss
County of Twin Falls)

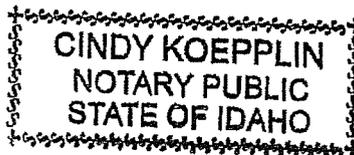
Wayne Courtney, being first duly sworn, on oath, deposes and says.

That he is a Vice President of Rangen, Inc., that he has read the foregoing RANGEN, INC.'S RESPONSE TO IGWA'S FIRST SET OF DISCOVERY, knows the contents thereof, and the facts stated he believes to be true.


Wayne Courtney, Vice President

SUBSCRIBED AND SWORN to before me this 27th day of June, 2012.


Notary Public for State of Idaho
Residing at Filer ID, therein.
Commission Expires: 9-5-15



CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 27 day of June, 2012 he caused a true and correct copy of the foregoing document to be served upon the following by the indicated method:

Randall C. Budge	Hand Delivery	<input type="checkbox"/>
Candice M. McHugh	U.S. Mail	<input checked="" type="checkbox"/>
Thomas J. Budge	Facsimile	<input checked="" type="checkbox"/>
RACINE, OLSON, NYE, BUDGE &	Federal Express	<input type="checkbox"/>
BAILEY, CHARTERED	E-Mail	<input checked="" type="checkbox"/>
P.O. Box 1391		
101 South Capitol Blvd, Ste 300		
Boise, ID 83704-1391		
Telephone: 208-395-0011		
Fax: 208-433-0167		
rcb@racinelaw.net		
cmm@racinelaw.net		

Sarah Klahn	Hand Delivery	<input type="checkbox"/>
Mitra Pemberton	U.S. Mail	<input checked="" type="checkbox"/>
WHITE & JANKOWSKI	Facsimile	<input type="checkbox"/>
Kittredge Building,	Federal Express	<input type="checkbox"/>
511 16th Street, Suite 500	E-Mail	<input checked="" type="checkbox"/>
Denver, CO 80202		
sarahk@white-jankowski.com		
mitrap@white-jankowski.com		



J. Justin May

EXHIBIT C

Rangen Aquaculture Research Center

208-837-4565

Route 1, Box 264
2928 D S. 1175 E.
Hagerman, ID 83332
(208) 837-6191
Fx: 208-837-4565

December 16, 1993

Dr. Phil Mamer
Idaho Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

I have enclosed a copy of the NPDES applications for Woods Farm Ponds and Decker Springs Farm Ponds for your review. The class of operation on this farm falls into Permit Type D (Farm ponds). The wetland areas were installed, in part, to improve water quality.

We have requested a copy of the water rights and old permits from the owners. They are not certain they will be able to locate them, but we will forward them along if received.

Please give me a call if you have questions or need anything further.

Sincerely,



Bob Deisher
Hatchery Manager

increase production to 400,000 lbs

FORM 1 GENERAL		EPA U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)		I. EPA I.D. NUMBER 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	
LABEL ITEMS I. EPA I.D. NUMBER III. FACILITY NAME V. FACILITY MAILING ADDRESS VI. FACILITY LOCATION		PLEASE PLACE LABEL IN THIS SPACE		GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.	

II. POLLUTANT CHARACTERISTICS									
INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.									
SPECIFIC QUESTIONS		MARK 'X'			SPECIFIC QUESTIONS		MARK 'X'		
		YES	NO	FORM ATTACHED			YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)			X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X		X
C. Is this a facility which currently results in discharges to waters of the U.S. (other than those described in A or B above)? (FORM 2C)			X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)			X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)			X		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)			X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)			X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)			X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			X	

III. NAME OF FACILITY	
1	WOODS FARM PONDS

IV. FACILITY CONTACT	
A. NAME & TITLE (last, first, & title)	B. PHONE (area code & no.)
2 DEISHER BOB MANAGER	208 837 6191

V. FACILITY MAILING ADDRESS	
A. STREET OR P.O. BOX	
3 RT 1 BOX 264	
B. CITY OR TOWN	
4 HAGERMAN	
C. STATE	D. ZIP CODE
Id	83332

VI. FACILITY LOCATION	
A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER	
5 HC 60 BOX 1080	
B. COUNTY NAME	
Gooding	
C. CITY OR TOWN	D. STATE
6 BLISS	Id
E. ZIP CODE	F. COUNTY CODE (if known)
83314	

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST				B. SECOND			
C	7	(specify)	Rainbow Trout	C	7	(specify)	# Steelhead Trout
C. THIRD				D. FOURTH			
E	7	(specify)		E	7	(specify)	

VIII. OPERATOR INFORMATION

A. NAME										B. Is the name listed in Item VIII-A also the owner?		
C	RANGEN INC										<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)										D. PHONE (area code & no.)		
F = FEDERAL M = PUBLIC (other than federal or state) P = PRIVATE O = OTHER (specify)										A		
P Private										208 837 6191		
E. STREET OR P.O. BOX												
R#1 Box 264												
F. CITY OR TOWN					G. STATE		H. ZIP CODE		IX. INDIAN LAND			
HAGERMAN					Id		83332		Is the facility located on Indian lands?			
									<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)						D. PSD (Air Emissions from Proposed Sources)					
N						P					
B. UIC (Underground Injection of Fluids)						E. OTHER (specify)					
U											
C. RCRA (Hazardous Wastes)						E. OTHER (specify)					
R											

XI. MAP
 Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility; the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

This is a farmpond type rearing facility where fish are grown to market size, they are stockeel grown out, harvested & hauled away alive.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)		B. SIGNATURE		C. DATE SIGNED	
Bob DEISHNER - MANAGER		Bob Deisher		1-10-92	

COMMENTS FOR OFFICIAL USE ONLY

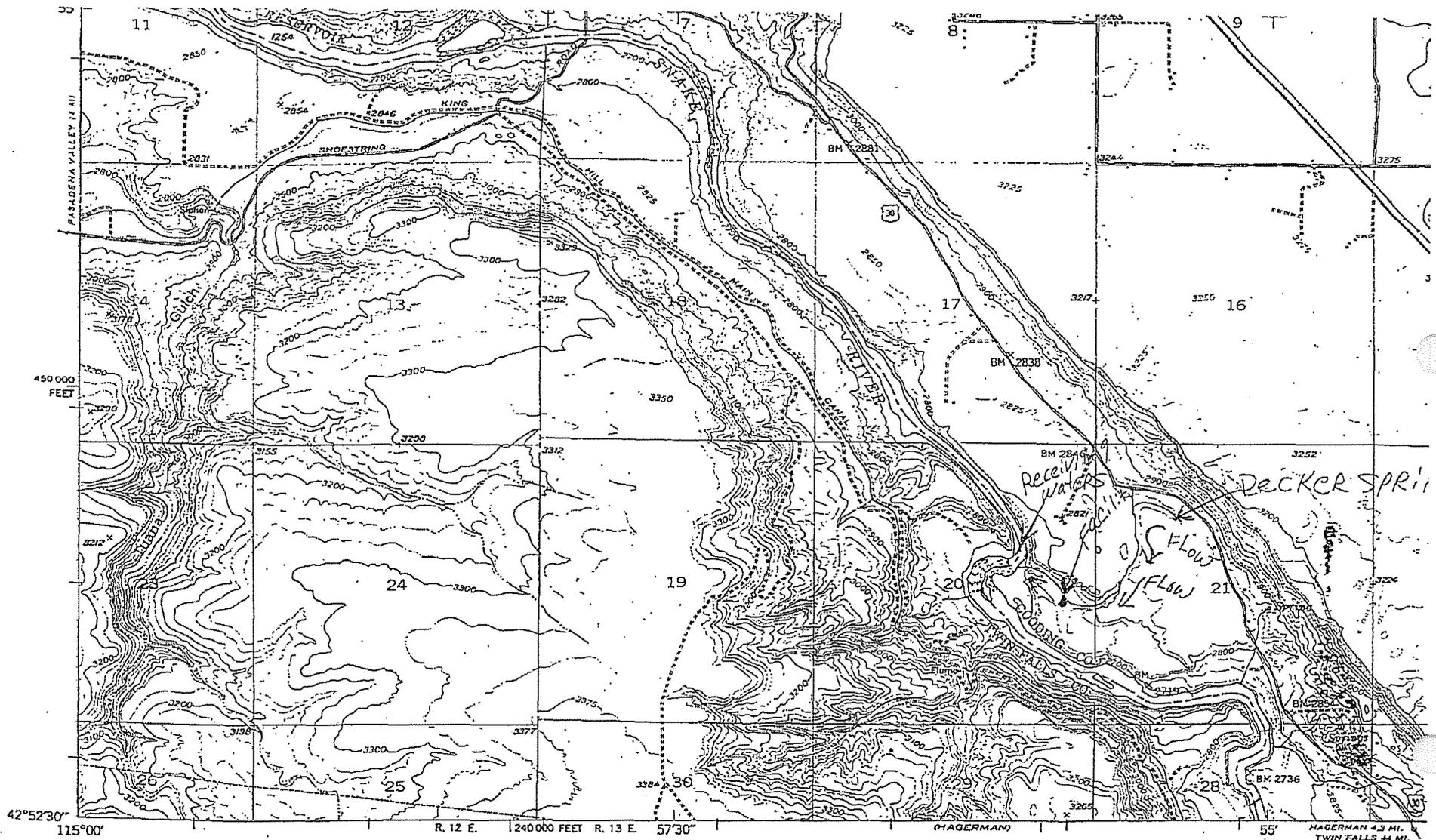
E	
2	
3	

See the instructions on the reverse.
Please print or type in the unshaded areas only.

EPA I.D. NUMBER (copy from Item 1 of Form 1)

Form Approved,
OMB No. 2040-0086,
Approval expires 7-31-88.

FORM 2B EPA NPDES		U.S. ENVIRONMENTAL PROTECTION AGENCY APPLICATION FOR PERMIT TO DISCHARGE WASTEWATER CONCENTRATED ANIMAL FEEDING OPERATIONS AND AQUATIC ANIMAL PRODUCTION FACILITIES Consolidated Permits Program					
I. GENERAL INFORMATION							
A. TYPE OF BUSINESS		B. LEGAL DESCRIPTION OF FACILITY LOCATION			C. FACILITY OPERATION STATUS		
<input type="checkbox"/> 1. OPERATION (complete Items B, C, and Section II) <input type="checkbox"/> 2. PRODUCTION FACILITY (complete Items B, C, and Section II)		<i>Woodbury County, township 065 Range 13E, Section 21</i>			<input checked="" type="checkbox"/> 1. EXISTING FACILITY <input type="checkbox"/> 2. PROPOSED FACILITY		
II. CONCENTRATED ANIMAL FEEDING OPERATION CHARACTERISTICS							
A. TYPE & NUMBER OF ANIMALS IN OPEN CONFINEMENT & HOUSED UNDER ROOF					B. NO. OF ACRES FOR CONFINEMENT FEEDING		
1. TYPE		2. NO. IN OPEN CONFINEMENT		3. NO. HOUSED UNDER ROOF			
<i>N.A.</i>		<i>N.A.</i>		<i>N.A.</i>			
C. If there is open confinement, has a runoff diversion and control system been constructed?							
<input type="checkbox"/> YES (complete Items 1, 2, & 3 below) <input type="checkbox"/> NO (go to Section IV)							
1. What is the design basis for the control system?							
<input type="checkbox"/> a. 10 YEAR, 24-HOUR STORM (specify inches)		<input type="checkbox"/> b. 25 YEAR, 24-HOUR STORM (specify inches)		<input type="checkbox"/> c. OTHER (specify inches & type)		TYPE	
<i>N.A.</i>		<i>N.A.</i>		<i>N.A.</i>		<i>N.A.</i>	
2. Report the number of acres of contributing drainage.			ACRES		3. Report the design safety factor.		
					SAFETY FACTOR		
III. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY CHARACTERISTICS							
A. For each outfall give the maximum daily flow, maximum 30 day flow, and the long term average flow.				B. Indicate the total number of ponds, raceways, and similar structures in your facility.			
1. OUTFALL NO.	2. FLOW (gallons per day)			1. PONDS	2. RACEWAYS	3. OTHER	
	a. MAXIMUM DAILY	b. MAXIMUM 30 DAY	c. LONG TERM AVERAGE	<i>6</i>	<i>6</i>	<i>6 quiescent zones 1 settling pond</i>	
<i>1</i>	<i>8MGD</i>	<i>8MGD</i>	<i>5MGD</i>	C. Provide the name of the receiving water and the source of water used by your facility.			
				1. RECEIVING WATER	2. WATER SOURCE		
				<i>Snake River</i>	<i>Decker Springs</i>		
D. List the species of fish or aquatic animals held and fed at your facility. For each species, give the total weight produced by your facility per year in pounds of harvestable weight, and also give the maximum weight present at any one time.							
1. COLD WATER SPECIES				2. WARM WATER SPECIES			
a. SPECIES	b. HARVESTABLE WEIGHT (pounds)		c. SPECIES		d. HARVESTABLE WEIGHT (pounds)		
	(1) TOTAL YEARLY	(2) MAXIMUM	(1) TOTAL YEARLY	(2) MAXIMUM			
<i>Trout</i>	<i>175,000</i>	<i>100,000</i>	<i>N/A.</i>				
E. Report the total pounds of food fed during the calendar month of maximum feeding.				1. MONTH	2. POUNDS OF FOOD		
				<i>Dec</i>	<i>34,000 # per mo</i>		
IV. CERTIFICATION							
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.							
A. NAME & OFFICIAL TITLE (print or type)				B. PHONE NO. (area code & no.)			
<i>Bob Deisher - Manager</i>				<i>208-837-6191</i>			
C. SIGNATURE				D. DATE SIGNED			
<i>Bob Deisher</i>				<i>1-10-92</i>			



Mapped, edited, and published by the Geological Survey

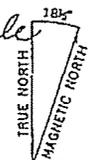
Control by USC&GS

Culture and drainage in part compiled from aerial photographs taken 1946
Topography by plane-table methods 1946-1949

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone

1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

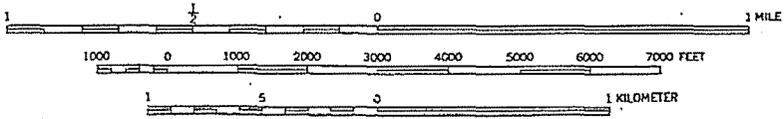
Bliss
Quadrangle



APPROXIMATE MEAN DECLINATION, 1949

N - 42° 52' 30"
E 114° 52' 30"

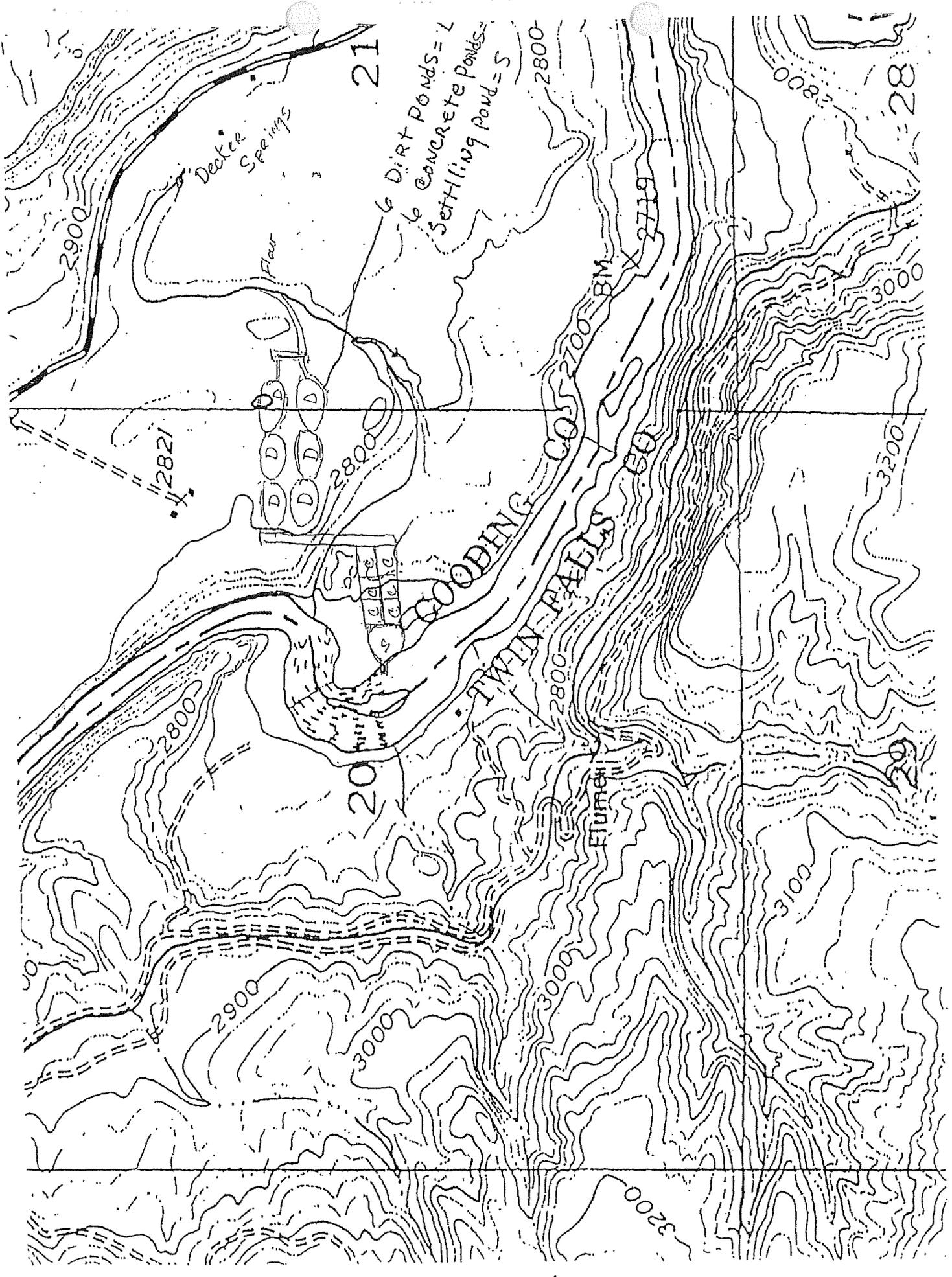
SCALE 1:24000



CONTOUR INTERVAL 25 FEET
CONTOUR INTERVAL ON RIVER SURFACE 5 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

DIAN BUTTE



Decke Springs

21

6 DIRT POND = 2
6 CONCRETE POND = 5
6 Settling Pond = 5

2821

20

COODING TWIN FALLS CO

Flumen

BM 2719

28

2900

2800

2800

2800

2800

2900

3000

3000

3200

3100

3200

3000

2800

R-13E

9

375
F-532

333

368
F-542

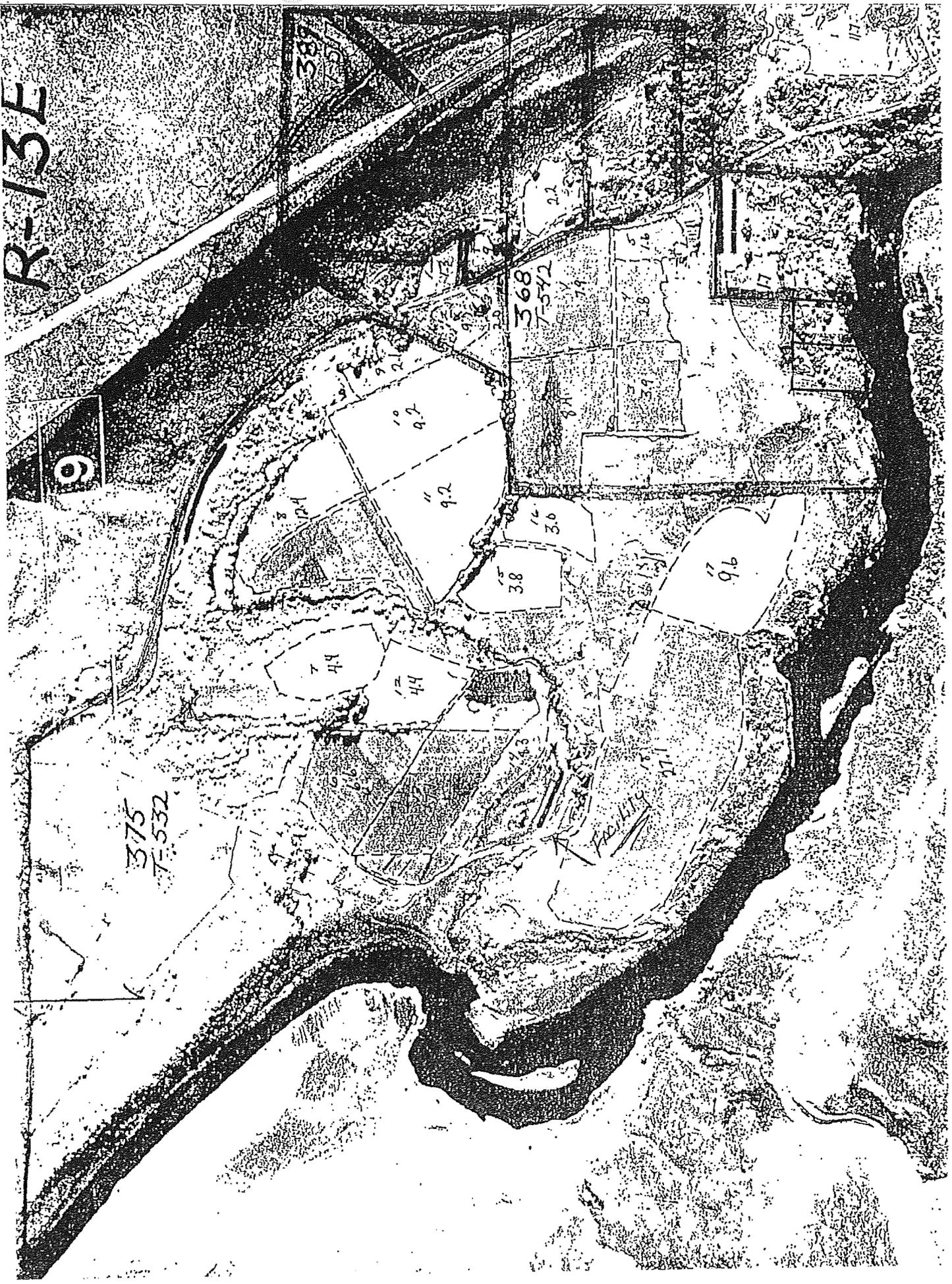
10
9.2
14
9.2
7
4.4
17
4.4

38
14
3.0

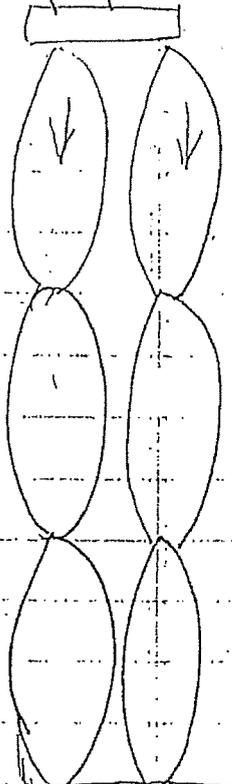
9.6

371
16
3.1

22
21
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

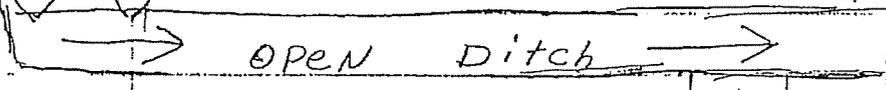


INCOMING WATER - DECKER SPRINGS facility Design



6 dirt ponds
120' x 30'

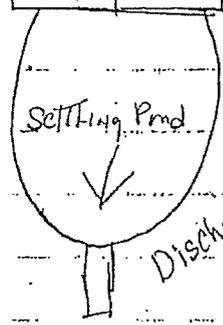
Bottom Facility



↓ 1	↓ 2
Q	Q
3	4
Q	Q
5	6
Q	Q

Q = Quiescent Zone

6 concrete Ponds
114' x 12'



Discharged into SNAKE RIVER

Name: Terramycin

Description: Bacteriostat mixed in feed

Purpose: For control of Aeromonas, Hemophilus, and Pseudomonas bacterial diseases of fish.

Expected concentration entering receiving stream: .001 ppm per day of treatment

Neutralization: None

Name: Romet

Description: Bacteriostat mixed in feed

Purpose: For control of Furunculosis bacterial disease of fish

Expected concentration entering receiving stream: .011 ppm per day of treatment

Neutralization: None

Name: Potassium Permanganate

Description: An oxidizer

Purpose: To promote more dissolved oxygen in water

Expected concentration entering receiving stream: 2 ppm for 1 hour maximum

Neutralization: Neutralized with organics in water
(Potassium Permanganate is exempt from registration by EPA)

Name: Calcium Hypochlorite

Description: HTH 65%

Purpose: Disinfectant/sanitizer

Expected concentration entering receiving stream: 0.0

Neutralization: HTH is neutralized with sodium thiosulfate. (5.6 grams sodium thiosulfate will neutralize 1 gallon at 200 ppm HTH.)

Name: Sodium Chloride

Description: Salt

Purpose: Enhances osmoregulatory system.

Expected concentration entering receiving stream: 0.1% for 10 minutes

Neutralization: None (Declared by FDA as "generally regarded as safe.")

Name: Sodium P-Toluenesulphonchloramide

Description: Chloramine "T"

Purpose: Prevention of gill disease, and a raceway sanitizer.

Expected concentration entering receiving stream: 6 ppm maximum for one hour

Neutralization: None. Used in Europe to treat domestic water supplies.

(fill-in areas are spaced for elite type, i.e., 12 characters/inch).

FORM 1 GENERAL	 U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)	I. EPA I.D. NUMBER																																	
		<table border="1"> <tr> <td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td> </tr> <tr> <td colspan="11"></td> <td>D</td> </tr> </table>												1	2	3	4	5	6	7	8	9	10	11	12										
1	2	3	4	5	6	7	8	9	10	11	12																								
											D																								

LABEL ITEMS I. EPA I.D. NUMBER III. FACILITY NAME V. FACILITY MAILING ADDRESS VI. FACILITY LOCATION		PLEASE PLACE LABEL IN THIS SPACE
II. POLLUTANT CHARACTERISTICS		

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in areas below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)	X		X
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)			
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		X		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)			
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)			
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			

III. NAME OF FACILITY:

1 SKIP **DECKER SPRINGS FARM PONDS**

IV. FACILITY CONTACT:

A. NAME & TITLE (last, first, & middle) **DEISHER Bob MANAGER**

B. PHONE (area code & no.) **208 837 6191**

V. FACILITY MAILING ADDRESS:

A. STREET OR P.O. BOX **RT 1 Box 264**

B. CITY OR TOWN **HAGERMAN**

C. STATE **ID**

D. ZIP CODE **83332**

VI. FACILITY LOCATION:

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER **HC 60 Box 1080**

B. COUNTY NAME **Gooding**

C. CITY OR TOWN **Bliss**

D. STATE **ID**

E. ZIP CODE **83314**

F. COUNTY CODE (if applicable)

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST				B. SECOND			
C 7	(specify)	RAINBOW TROUT		C 7	(specify)	STEEL HEAD TROUT	
E 7	(specify)			C 7	(specify)		

VIII. OPERATOR INFORMATION

A. NAME										B. Is the name listed in Item VIII-A also the owner?	
RANGEN, INC.										<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify)								D. PHONE (area code & no.)			
F = FEDERAL		M = PUBLIC (other than federal or state)		P (specify)		E A		208		837 6191	
S = STATE		O = OTHER (specify)		Private							
P = PRIVATE											
E. STREET OR P.O. BOX											

F. CITY OR TOWN				G. STATE	H. ZIP CODE	IX. INDIAN LAND	
RT 1 Box 264 Hageman				ID	83332	Is the facility located on Indian lands?	
						<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)						D. PSD (Air Emissions from Proposed Sources)					
9 N						9 P					
B. UIC (Underground Injection of Fluids)						E. OTHER (specify)					
9 U						(specify)					
C. RCRA (Hazardous Wastes)						E. OTHER (specify)					
9 R						(specify)					

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

This is a Farmpond type Rearing facility where fish are grown to market size. They are stocked, grown out harvested & hauled away live

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)		B. SIGNATURE		C. DATE SIGNED	
Bob Deisher, Manager		Bob Deisher		1-10-92	

COMMENTS FOR OFFICIAL USE ONLY

C	
C	

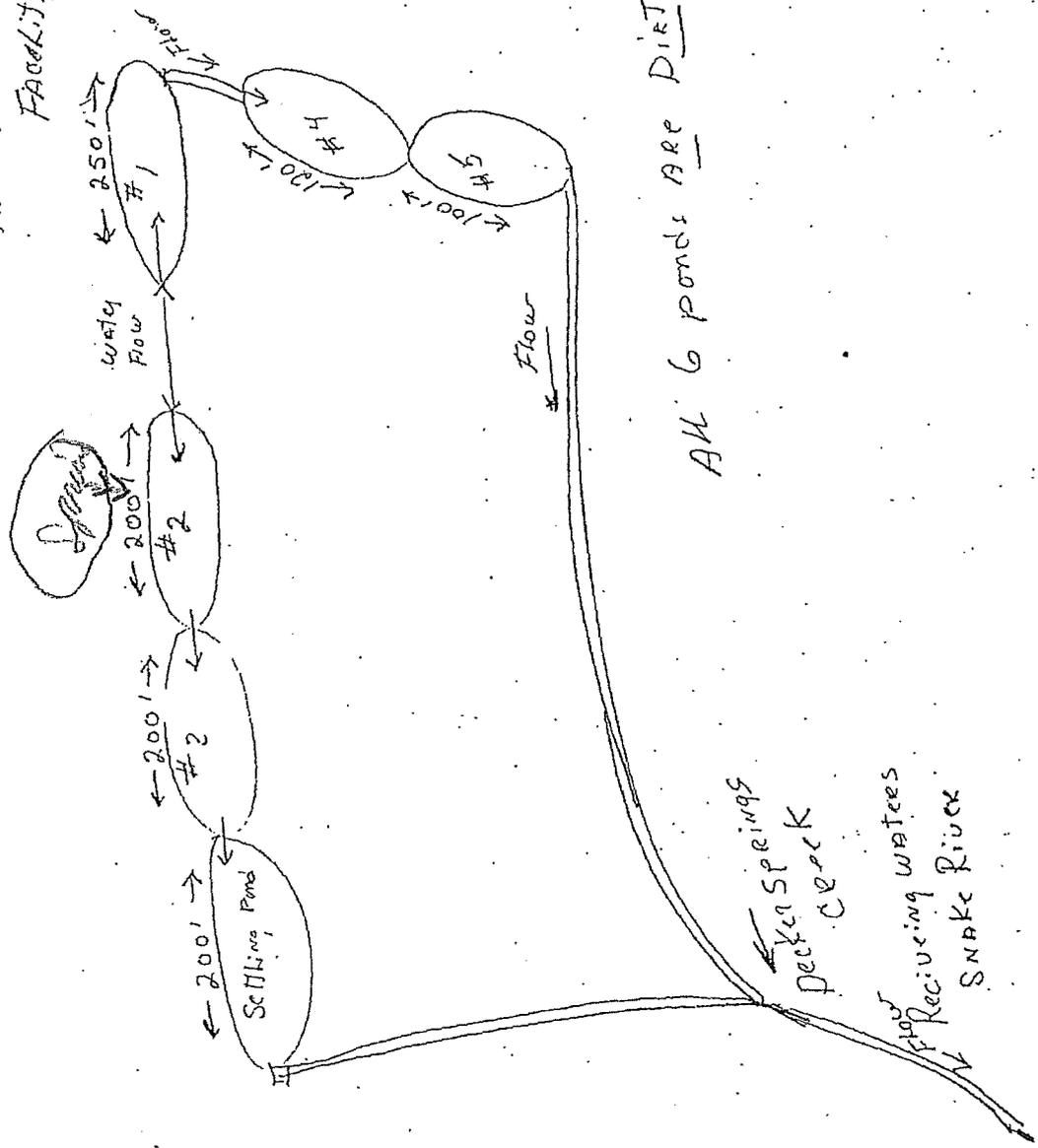
See the instructions on the reverse.
Please print or type in the unshaded areas only.

EPA I.D. NUMBER (copy from Item 1 of Form 1)

Form Approved,
OMB No. 2040-0086,
Approval expires 7-31-88.

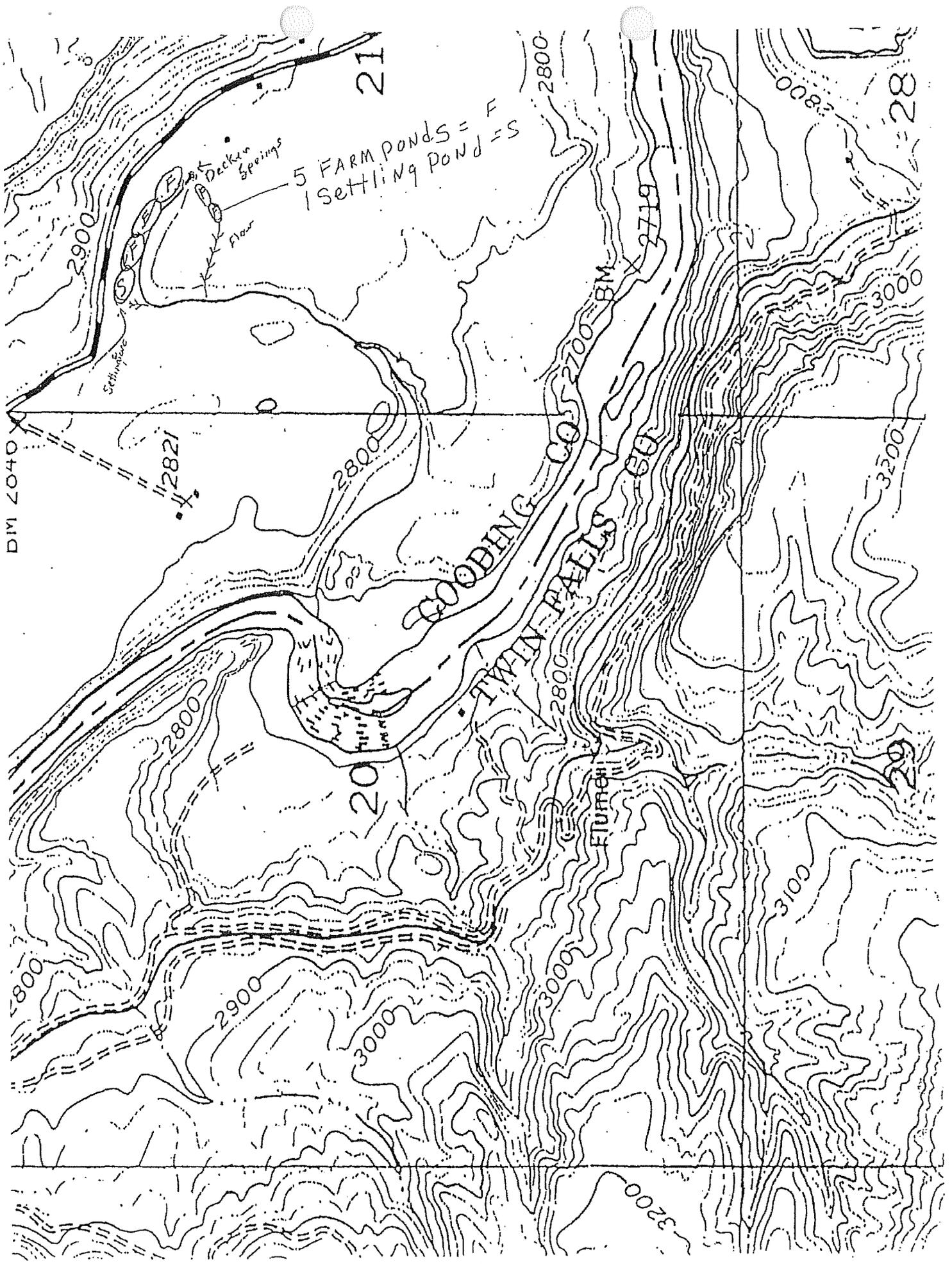
FORM 2B EPA NPDES		U.S. ENVIRONMENTAL PROTECTION AGENCY APPLICATION FOR PERMIT TO DISCHARGE WASTEWATER CONCENTRATED ANIMAL FEEDING OPERATIONS AND AQUATIC ANIMAL PRODUCTION FACILITIES Consolidated Permits Program			
I. GENERAL INFORMATION					
A. TYPE OF BUSINESS		B. LEGAL DESCRIPTION OF FACILITY LOCATION		C. FACILITY OPERATION STATUS	
<input type="checkbox"/> 1. OPERATION (complete items B, C, and Section III) <input type="checkbox"/> 2. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY (complete items B, C, and Section III)		Gooding County Township 065-Range 13E-Sec-21		<input checked="" type="checkbox"/> 1. EXISTING FACILITY <input type="checkbox"/> 2. PROPOSED FACILITY	
II. CONCENTRATED ANIMAL FEEDING OPERATION CHARACTERISTICS					
A. TYPE & NUMBER OF ANIMALS IN OPEN CONFINEMENT & HOUSED UNDER ROOF			B. NO. OF ACRES FOR CONFINEMENT FEEDING		
1. TYPE			2. NO. IN OPEN CONFINEMENT	3. NO. HOUSED UNDER ROOF	C. If there is open confinement, has a runoff diversion and control system been constructed?
NA			NA	NA	<input type="checkbox"/> YES (complete items 1, 2, & 3 below) <input type="checkbox"/> NO (go to Section IV)
1. What is the design basis for the control system?					
<input type="checkbox"/> a. 10 YEAR 24-HOUR STORM (specify inches)	INCHES NA	<input type="checkbox"/> b. 25 YEAR 24-HOUR STORM (specify inches)	INCHES NA	<input type="checkbox"/> c. OTHER (specify inches & type)	INCHES NA
TYPE	NA	TYPE	NA	TYPE	NA
2. Report the number of acres of contributing drainage			ACRES	3. Report the design safety factor.	
				SAFETY FACTOR	
III. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY CHARACTERISTICS					
A. For each outfall give the maximum daily flow, maximum 30 day flow, and the long term average flow			B. Indicate the total number of ponds, raceways, and similar structures in your facility.		
1. OUTFALL NO.	a. MAXIMUM DAILY FLOW (gallons per day)	b. MAXIMUM 30 DAY FLOW (gallons per day)	c. LONG TERM AVERAGE FLOW (gallons per day)	1. PONDS	2. RACEWAYS
1	8-MGD	8-MGD	5-MGD	5	1-Settling pond
C. Provide the name of the receiving water and the source of water used by your facility.					
1. RECEIVING WATER			2. WATER SOURCE		
Decker Springs Creek			Decker Springs		
D. List the species of fish or aquatic animals held and fed at your facility. For each species, give the total weight produced by your facility per year in pounds of harvestable weight and also give the maximum weight present at any one time.					
1. COLD WATER SPECIES			2. WARM WATER SPECIES		
a. SPECIES	b. HARVESTABLE WEIGHT (pounds)		a. SPECIES	b. HARVESTABLE WEIGHT (pounds)	
	(1) TOTAL YEARLY	(2) MAXIMUM		(1) TOTAL YEARLY	(2) MAXIMUM
Trout	100,000	75,000	N/A		
E. Report the total pounds of food fed during the calendar month of maximum feeding			1. MONTH	2. POUNDS OF FOOD	
			December	20,000	
IV. CERTIFICATION					
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.					
A. NAME & OFFICIAL TITLE (print or type)			B. PHONE NO. (area code & no.)		
Bob Deisher, Manager			208-837-6191		
C. SIGNATURE			D. DATE SIGNED		
Bob Deisher			1-10-92		

Top Facility Decker Springs Farm Pond. Facility Design



All 6 ponds are dirt

Decker Springs Creek
Snake River
Receiving water



DIM 2040

21

28

20

GOODING CO. 2700 BM
TWIN FALLS

Flume

Decken Springs

5 FARM POND S = F
1 Settling Pond = S

2821

2900

3000

2800

2719

2800

3000

3200

3100

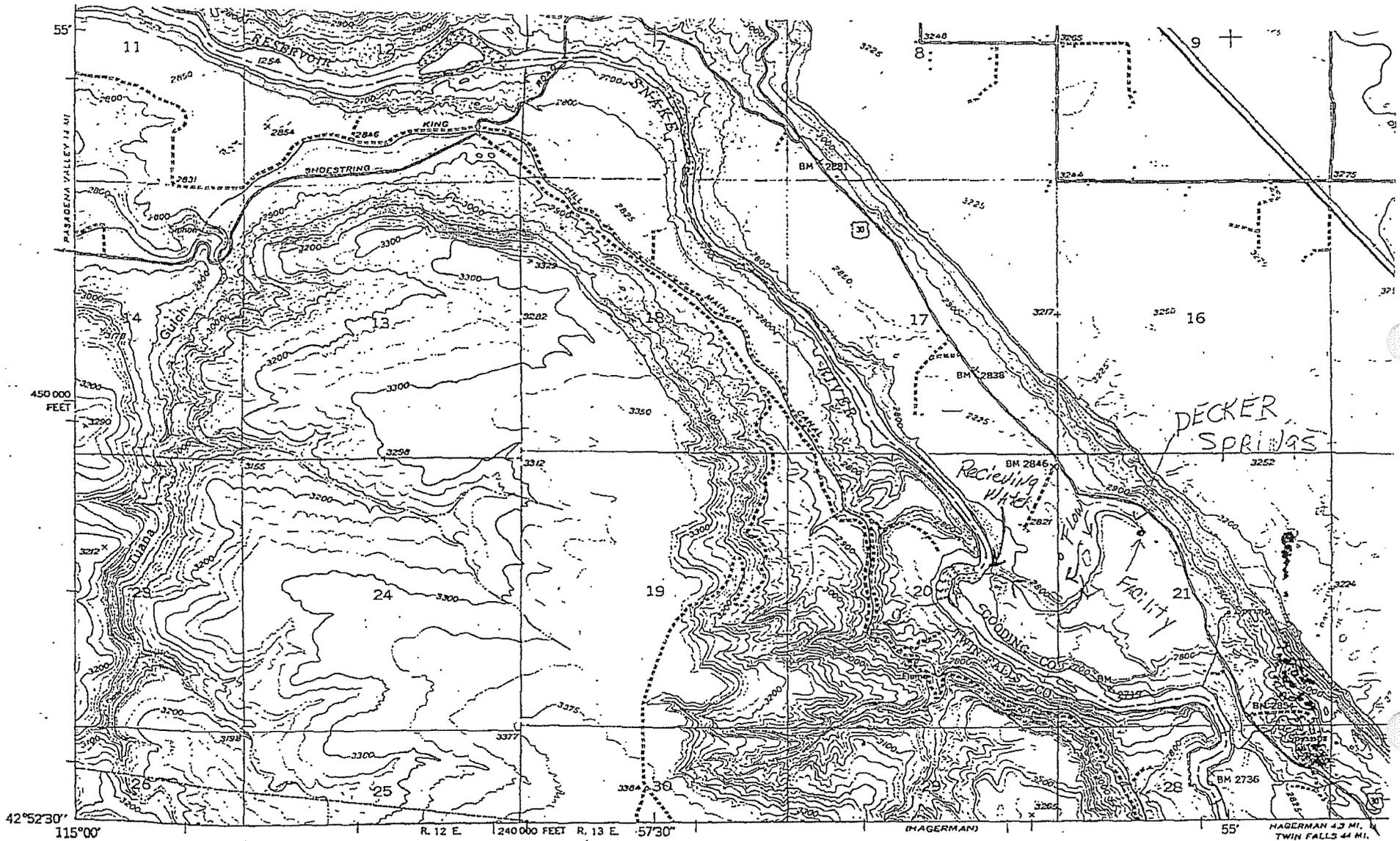
3200

3000

3200

2800





42°52'30"

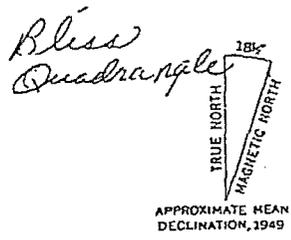
115°00'

R. 12 E. 240000 FEET R. 13 E. 57°30'

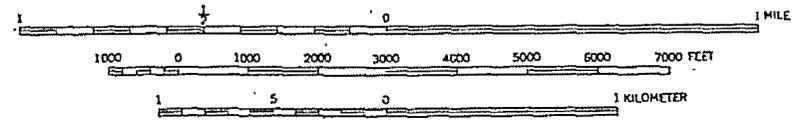
HAGERMAN 4.3 MI. TWIN FALLS 4.4 MI.

VOIAN BUTTE

Mapped, edited, and published by the Geological Survey
 Control by USC&GS
 Culture and drainage in part compiled from
 aerial photographs taken 1946
 Topography by plane-table methods 1946-1949
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Idaho coordinate system,
 central zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 11, shown in blue



SCALE 1:24000



CONTOUR INTERVAL 25 FEET
 CONTOUR INTERVAL ON RIVER SURFACE 5 FEET
 DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON 25, D. C.
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Name: Terramycin
Description: Bacteriostat mixed in feed
Purpose: For control of Aeromonas, Hemophilus, and Pseudomonas
bacterial diseases of fish.
Expected concentration entering receiving stream: .001 ppm per day of
treatment
Neutralization: None

Name: Romet
Description: Bacteriostat mixed in feed
Purpose: For control of Furunculosis bacterial disease of fish
Expected concentration entering receiving stream: .011 ppm per day of
treatment
Neutralization: None

Name: Potassium Permanganate
Description: An oxidizer
Purpose: To promote more dissolved oxygen in water
Expected concentration entering receiving stream: 2 ppm for 1 hour
maximum
Neutralization: Neutralized with organics in water
(Potassium Permanganate is exempt from registration by EPA)

Name: Calcium Hypochlorite
Description: HTH 65%
Purpose: Disinfectant/sanitizer
Expected concentration entering receiving stream: 0.0
Neutralization: HTH is neutralized with sodium thiosulfate. (5.6 grams
sodium thiosulfate will neutralize 1 gallon at 200 ppm HTH.)

Name: Sodium Chloride
Description: Salt
Purpose: Enhances osmoregulatory system.
Expected concentration entering receiving stream: 0.1% for 10 minutes
Neutralization: None (Declared by FDA as "generally regarded as safe.")

Name: Sodium P-Toluenesulphonchloramide
Description: Chloramine "T"
Purpose: Prevention of gill disease, and a raceway sanitizer.
Expected concentration entering receiving stream: 6 ppm maximum for one
hour
Neutralization: None. Used in Europe to treat domestic water supplies.

TABLE 3

PERMIT TYPES FOR NON-FARM AND FARM PONDS

Permit Type A:	Non-farm ponds with annual production greater than 500,000 pounds.
Permit Type A-1:	Non-farm ponds with annual production greater than 500,000 pounds, with processing.
Permit Type B:	Non-farm ponds with annual production greater than 100,000 pounds and less than 500,000 pounds.
Permit Type B-1:	Non-farm ponds with annual production greater than 100,000 and less than 500,000 pounds with a filter backwash system and other associated discharges.
Permit Type B-2:	Non-farm ponds with annual production greater 500,000 pounds with a filter backwash system and other associated discharges.
Permit Type B-3:	Non-farm ponds with annual production greater than 100,000 pounds and less than 500,000 pounds, with processing.
Permit Type C:	Non-farm ponds with annual production less than 100,000 pounds.
Permit Type C-1:	Non-farm ponds with annual production less than 100,000 pounds, with processing.
Permit Type D:	Farm ponds.
Permit Type E:	Processing only.