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RECEIVED
MAY 19 2014
DEPARTMENT OF
WATER RESOURCES

Attorneys for Rangen, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION
OF WATER TO WATER RIGHT NOS.
36-02551 & 36-07694 (RANGEN, INC.) –
IDWR DOCKET NO. CM-DC-2011-004

Case No. CV-2011-004

**RANGEN, INC.'S RESPONSE TO
IGWA'S OBJECTION TO THE
CONSOLIDATED AGENCY
RECORD AND TRANSCRIPT**

COMES NOW, Rangen, Inc., by and through its attorneys, and hereby submits the following response to *IGWA's Objection to the Consolidated Agency Record and Transcript*, filed by the Idaho Ground Water Appropriators, Inc. (IGWA) on May 14, 2014.

IGWA's Objection to the Consolidated Agency Record and Transcript requests that the Agency Record include the Notice of Violation and Cease and Desist Order dated January 31, 2014, *In The Matter Of The Diversion Of Water Without A Valid Right From Billingsley Creek By Rangen, Inc.* IGWA also requests that the Order amending the Curtailment Order dated April 7th, 2014 together with the supporting data be excluded from the Agency Record.

**RANGEN INC.'S RESPONSE TO IGWA'S OBJECTION TO THE CONSOLIDATED AGENCY
RECORD AND TRANSCRIPT - 1**

Idaho Code § 67-5249 provides that the record in a Petition for Review from an agency shall include:

- (a) all notices of proceedings, pleadings, motions, briefs, petitions, and intermediate rulings;
- (b) evidence received or considered;
- (c) a statement of matters officially notices;
- (d) offers of proof and objections and rulings thereon;
- (e) the record prepared by the presiding officer under the provisions of section 67-5242, Idaho Code, together with any transcript of all or part of that record;
- (f) staff memoranda or data submitted to the presiding officer or the agency head in connection with the consideration of the proceeding; and
- (g) any recommended order, preliminary order, final order, or order on reconsideration.

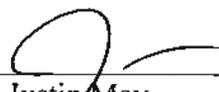
Idaho Code § 67-5249

The Notice of Violation and Cease and Desist Order that IGWA seeks to have included was issued in a separate and unrelated proceeding after the Curtailment Order from which the parties sought judicial review. It is not an appropriate part of the record in this matter pursuant to I.C. § 67-5249.

In contrast, the April 7, 2014 Order and supporting data that IGWA seeks to exclude were issued in the relevant contested case and purport to amend the Curtailment Order from which the parties sought judicial review. The April 7, 2014 Order and supporting data should be part of the record pursuant to either I.C. §67-5249 (a) or (g).

DATED this 19 day of May, 2014.

MAY, BROWNING & MAY

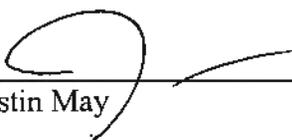
By  _____
J. Justin May

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 19 day of May, 2014 he caused a true and correct copy of the foregoing document to be served by email and first class U.S. Mail, postage prepaid upon the following:

<p>Original: Director Gary Spackman IDAHO DEPARTMENT OF WATER RESOURCES P.O. Box 83720 Boise, ID 83720-0098 deborah.gibson@idwr.idaho.gov</p>	<p>Hand Delivery <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Garrick Baxter IDAHO DEPARTMENT OF WATER RESOURCES P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov</p>	<p>Hand Delivery <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
<p>Randall C. Budge Thomas J. Budge RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED P.O. Box 1391 101 South Capitol Blvd, Ste 300 Boise, ID 83704-1391 Fax: 208-433-0167 rcb@racinelaw.net tjb@racinelaw.net bjh@racinelaw.net</p>	<p>Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/></p>
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