

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

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-02551
AND 36-07694 (RANGEN, INC.)

Docket No. CM-DC-2011-004
Docket No. CM-MP-2014-001

IN THE MATTER OF THE MITIGATION
PLAN FILED BY THE IDAHO GROUND
WATER APPROPRIATORS FOR THE
DISTRIBUTION OF WATER TO WATER
RIGHTS NOS. 36-02551 AND 36-07694 IN
THE NAME OF RANGEN, INC.

**ORDER VACATING DEADLINE;
REQUIRING DELIVERY OF WATER
BEGINNING APRIL 1, 2015; SETTING
DEADLINE FOR STIPULATION**

On February 26, 2015, the Director of the Idaho Department of Water Resources (“Department”) held a status conference in CM-MP-2014-001 to discuss issues remanded to the Director in the *Memorandum Decision and Order on Petition for Judicial Review* (“Memorandum Decision”) entered on December 3, 2014, in the Fifth Judicial District in Case No. CV-2014-2446. In its Memorandum Decision, the Court reversed the Director’s approval of mitigation credit for future aquifer enhancement activities performed by the Idaho Ground Water Appropriators, Inc. (“IGWA”) and its member Southwest Irrigation District (“SWID”). *Memorandum Decision* at 6-10. The Court also reversed the Director’s method of calculating mitigation credit for the Morris exchange agreement. *Id.* at 10-15. The Court remanded these issues to the Director “for further proceedings as necessary” consistent with the Memorandum Decision. *Id.* at 16.

On February 27, 2015, the Director issued a *Scheduling Order* in CM-MP-2014-001 (“Scheduling Order”) requiring IGWA to submit to the Department by March 12, 2015, a formal proposal for calculating mitigation credit for the Morris exchange agreement.¹ On March 12,

¹ The Director also required IGWA to submit to the Department a motion for mitigation credit toward its mitigation obligation to Rangen, Inc. (“Rangen”), from April 1, 2015, through March 31, 2016, as a result of documented aquifer enhancement activities conducted by IGWA and SWID. *Scheduling Order* at 2. On February 26, 2015, IGWA submitted to the Department *IGWA’s Motion for Mitigation Credit for Aquifer Enhancement Activities (2015)*. On March 12, 2015, Rangen filed *Rangen, Inc.’s Response to IGWA’s Motion for Mitigation Credit for Aquifer Enhancement Activities (2015)* (“Response”). Rangen does not object to IGWA’s motion and agrees that “credit for 1.1 cfs for the period from April 1, 2015 to March 31, 2016 is appropriate.” *Response* at 2.

**ORDER VACATING DEADLINE; REQUIRING DELIVERY OF WATER BEGINNING APRIL 1, 2015;
SETTING DEADLINE FOR STIPULATION**

2015, IGWA filed with the Department *IGWA's Motion for Mitigation Credit for Morris Exchange (2015)*. The Scheduling Order required that the parties must submit responses, if any, to IGWA's March 12, 2015, filing by March 26, 2015. *Scheduling Order* at 2.

At a status conference on March 26, 2015, the parties requested the Director allow them additional time to finalize a stipulation attempting, among other things, to resolve the issue of calculating the mitigation credit for the Morris exchange agreement. Specifically, the parties requested the Director vacate the Scheduling Order's March 26, 2015, deadline for submission of responses to IGWA's March 12, 2015, filing, and schedule a deadline of April 9, 2015, for the parties to submit the above-described stipulation to the Director. The parties also agreed that, beginning April 1, 2015, IGWA will deliver 5.00 cfs of mitigation water to Rangen through the Magic Springs pipeline developed pursuant to IGWA's fourth mitigation plan and the Director's *Order Approving IGWA's Fourth Mitigation Plan* in CM-MP-2014-006.

ORDER

Based upon and consistent with the foregoing, the Director hereby ORDERS that the Scheduling Order's March 26, 2015, deadline for submission of responses to IGWA's March 12, 2015, filing is VACATED.

IT IS FURTHER ORDERED that, beginning April 1, 2015, and continuing until further order of the Director, IGWA will deliver 5.00 cfs of mitigation water to Rangen through the Magic Springs pipeline.

IT IS FURTHER ORDERED that the parties must submit the above-described stipulation to the Director on or before April 9, 2015.

DATED this 26th day of March 2015.


GARY SPACKMAN
Director


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March 2015, the above and foregoing, was served by the method(s) indicated below, and addressed to the following:

<p>John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, LLP 195 River Vista Place, Ste. 204 Twin Falls, ID 83301-3029 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Fritz X. Haemmerle Haemmerle & Haemmerle, PLLC P.O. Box 1800 Hailey, Idaho 83333 fxh@haemlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>J. Justin May May, Browning & May, PLLC 1419 West Washington Street Boise, Idaho 83702 jmay@maybrowning.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Robyn M. Brody Brody Law Office, PLLC P.O. Box 554 Rupert, Idaho 83350 robynbrody@hotmail.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>

**ORDER VACATING DEADLINE; REQUIRING DELIVERY OF WATER BEGINNING APRIL 1, 2015;
 SETTING DEADLINE FOR STIPULATION**

<p>Jerry R. Rigby Hyrum Erickson Robert H. Wood Rigby Andrus & Rigby Chtd PO Box 250 Rexburg, Id 83440 Jrigby@Rex-Law.Com Herickson@Rex-Law.Com Rwood@Rex-Law.Com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Gary Lemmon Blind Canyon Aquaranch, Inc. 2757 South 1050 East Hagerman, Id 83332 Glemmon@Northrim.Net</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Sarah Klahn Mitra Pemberton White & Jankowski 511 16th St Ste 500 Denver Co 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>A Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83205 dtranmer@pocatello.us</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email


Deborah Gibson
Administrative Assistant, IDWR