

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

IN THE MATTER OF THE MITIGATION)	CM-MP-2014-001
PLAN FILED BY THE IDAHO GROUND)	
WATER APPROPRIATORS FOR THE)	ORDER GRANTING
DISTRIBUTION OF WATER TO WATER)	RANGEN, INC.'S PETITION
RIGHT NOS. 36-02551 AND 36-07694 IN)	TO INTERVENE AND
THE NAME OF RANGEN, INC.)	DENYING MOTION FOR
)	RECONSIDERATION
)	

BACKGROUND

On February 11, 2014, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed with the Idaho Department of Water Resources (“Department”) *IGWA’s Mitigation Plan and Request for Hearing* (“Mitigation Plan”) to avoid curtailment imposed by the *Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* issued on January 29, 2014 (“Curtailment Order”).

On March 10, 2014, Rangen, Inc. (“Rangen”) filed *Rangen, Inc.’s Protest to IGWA’s Mitigation Plan* (“Protest”) seeking the status of a Protestant in the proceeding before the Department. However, Rangen failed to comply with Idaho Code § 42-221 by neglecting to pay the filing fee of \$25.00.

On March 14, 2014, the Director sent a letter to the interested parties informing them that Rangen’s Protest was not timely filed and, therefore, Rangen would be unable to participate in the hearing on the Mitigation Plan set for March 17-18, 2014. Rangen responded by filing *Rangen, Inc.’s Petition to Intervene to Become a Party Protestant* (“Petition”) and *Rangen’s Motion for Reconsideration Re: Denial of Participation in Mitigation Plan Hearing* (“Motion for Reconsideration”).

ANALYSIS

Rule of Procedure 352 provides that, to be considered timely, a petition to intervene must be: “[F]iled at least fourteen (14) days before the date set for formal hearing, or by the date of the rehearing conference, whichever is earlier, unless a different time is provided by order of notice.” IDAPA 37.01.01.352. This matter was set for formal hearing on March 17-18, 2014. Rangen did not file its Petition until March 14, 2014. However, Rule of Procedure 352 also

provides that “[t]he presiding officer may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons.” IDAPA 37.01.01.352.

Rangen argues it has a direct and substantial interest in IGWA’s Mitigation Plan because it wants to insure the Mitigation Plan satisfies the terms of the Curtailment Order. Rangen asserts it would be prejudiced by an inability to participate in the hearing on the Mitigation Plan and that granting the Petition will not disrupt the proceeding, unduly broaden the issues, or prejudice existing parties.

The Director concludes Rangen has a direct and substantial interest in IGWA’s Mitigation Plan, all parties anticipated Rangen would participate in this matter, and no party will be prejudiced by granting Rangen’s Petition. Because Rangen’s Petition will be granted, it is unnecessary to address Rangen’s Motion for Reconsideration.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

Rangen’s Petition for Intervention is GRANTED. Rangen’s Motion for Reconsideration is DENIED.

Dated this 26th day of March, 2014.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March, 2014, the above and foregoing document was served on the following by providing a copy of the *ORDER GRANTING RANGEN, INC.'S PETITION TO INTERVENE AND DENYING MOTION FOR RECONSIDERATION* in the manner selected:

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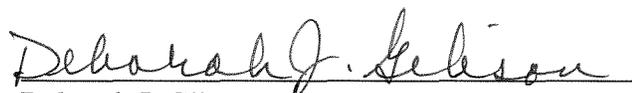
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