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DEPARTMENT OF  
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION  
OF WATER TO WATER RIGHTS  
NOS. 36-02356A, 36-07210, AND 36-  
07427

**(Blue Lakes Delivery Call)**

**RANGEN, INC.'S  
PETITION TO INTERVENE**

IN THE MATTER OF DISTRIBUTION  
OF WATER RIGHTS NOS. 36-04013A,  
3604013B, AND 36-07148 (SNAKE  
RIVER FARM)

**(Clear Springs, Snake River Farm  
Delivery Call)**

COMES NOW, Rangen, Inc., through counsel, pursuant to IDAPA 37.01.01. Rule 350 and Petitions To Intervene in above-captioned matters. The grounds for this Petition are as follows:

1) Rangen holds a number of water rights with a source in the Martin-Curren Tunnel, a spring that is part of the Thousand Springs complex. The Martin-Curren Tunnel, like the other springs in the Thousand Springs complex, is hydraulically connected to the Eastern Snake Plain Aquifer. Like the springs that are at issue in the

above-captioned matters, the Martin-Curren Tunnel has experienced decreased flows that can be attributed in part to depletions due to ground water pumping from the Eastern Snake Plain Aquifer. Some of the water rights causing ground water depletions have priority dates junior to the water rights utilized in Rangen's facility.

2) On September 23, 2003 and again on October 6, 2003 Rangen requested that the Director fulfill his duty to administer water rights in accordance with priority. Rangen renewed this request for administration in January 2007.

3) The Director issued an order in response to Rangen's request for administration on February 25, 2004. That order was amended on March 10, 2004. A second amended order was issued by the Director on May 19, 2005. On June 3, 2005, Rangen filed a petition requesting a hearing on all aspects on the second amended order. There has been no hearing scheduled in response to Rangen's request.

4) On July 5, 2007, the Director issued orders setting a joint hearing in the above-captioned matters. Rangen has a direct and substantial interest in the subject matter of the above-captioned proceedings. Many of the issues involved in this scheduled hearing are substantially similar or identical to the issues involved in Rangen's Request for Administration. The resolution of those issues may have a significant impact on the administration of Rangen's water rights.

5) On July 27, 2007, the parties to the above-captioned matters stipulated "not to oppose intervention by other water users who are not parties for the purpose of presenting briefs and argument on common issues of law, including responding to IGWA's Motion For Summary Judgment and Petition For Declaratory Ruling filed on June 18, 2007."

6) The stipulation further provides that "this non-opposition is conditioned upon those intervening water users accepting the designated hearing officer and the schedule addressing those issues of law." Rangen agrees that it will not object to the hearing officer appointed by the Director on August 1, 2007. Rangen further agrees that it will

not seek a continuance of the schedule set forth in the party's stipulation and adopted by the Director.

Rangen respectfully requests that this Petition To Intervene be granted.

Dated this 9 day of August, 2007.

MAY, SUDWEEKS & BROWNING, LLP

  
\_\_\_\_\_  
J. Justin May  
Attorneys for Rangen, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of August, 2007, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

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