



**I.**  
**PROCEDURAL BACKGROUND**

1. On March 24, 2014, Rangen, Inc. (“Rangen”) filed a *Petition for Judicial Review* in Twin Falls County Case No. CV-2014-1338.

2. On March 28, 2014, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed a *Petition for Judicial Review* in Gooding County Case No. CV-2014-179.

3. Both cases were subsequently reassigned by the clerk of the court to this Court.

4. The *Petitions* in both cases seek judicial review of the following orders issued by the Director of the Idaho Department of Water Resources (“IDWR” or “Department”) in IDWR Docket No. CM-DC-2011-004: (1) *Final Order Regarding Rangen Inc. ’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962*, dated January 29, 2014, and (2) *Order on Reconsideration*, dated March 4, 2014.

5. On April 3, 2014, Rangen filed a *Cross-Petition for Judicial Review* in Gooding County Case No. CV-2014-179. In its *Cross-Petition*, Rangen re-raises all of the issues it raised in its *Petition* filed in Twin Falls County Case No. CV-2014-1338, along with a couple additional issues.

6. On April 4, 2014, Rangen filed a *Statement of Additional Issues* in Twin Falls County Case No. CV-2014-1338, raising a couple of issues in addition to those raised in its *Petition*.

7. On April 10, 2014, the Department filed a *Motion to Consolidate* in both cases, requesting that this Court consolidate judicial review of the *Petitions* for the purposes of the agency record only. No opposition was raised to the Department’s *Motion*, and on April 11, 2014, the Court entered an *Order* granting the *Motion* for purposes of the agency record only.

8. On June 19, 2014, the parties filed a *Stipulation and Joint Motion* in both cases, moving the Court to enter an order allowing Rangen to file a single opening brief and reply in these cases covering the issues raised in its *Petition* filed in Twin Falls County Case No. CV-2014-1338 and *Cross-Petition* filed in Gooding County Case No. CV-2014-179.

9. As of the date of this *Order*, Twin Falls County Case No. CV-2014-1338 and Gooding County Case No. CV-2014-179 have not been consolidated for purposes of briefing and/or resolution. Rather, both are presently proceeding independently.

**II.**  
**ANALYSIS**

In an exercise of its discretion, the Court determines for the reasons set forth herein that Gooding County Case No. CV-2014-179 should be consolidated into Twin Falls County Case No. CV-2014-1338. *See e.g., Branom v. Smith Frozen Foods of Idaho, Inc.*, 83 Idaho 502, 508, 365 P.2d 958, 961 (1961) (providing “the trial court is vested with a discretion to consolidate or refuse to do so, and the exercise of such discretion will not be reviewed except in a case of palpable abuse”). Significant to the Court’s decision is that the two cases arise out of the same events, rely on the same facts and involve common questions of fact and law. The Court has already entered an *Order* consolidating the agency record in these cases at the request of the Department. Therefore, both cases are already proceeding before this Court on the same agency record. Additionally, the two cases are presently set to be heard before the Court at the same date and time.

The Court also notes that the parties have stipulated to allowing Rangen to file a single opening and reply brief covering the issues raised in its *Petition* and *Cross-Petition*, rather than filing a separate set of briefs in both cases. The Court finds that it is preferable to have all parties so proceed (i.e., have all parties file one of set briefs in this consolidated case, as opposed to a separate set of briefs in both cases) in order to avoid duplication, minimize the expense of the parties, and avoid future confusion with the record.

**III.**  
**ORDER**

THEREFORE, IT IS ORDERED that Gooding County Case No. CV-2014-179 is hereby consolidated into Twin Falls County Case No. CV 2014-1338.

Dated June 20, 2014

  
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ERIC J. WILDMAN  
District Judge

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER CONSOLIDATING GOODING COUNTY CASE NO. CV-2014-179 INTO TWIN FALLS COUNTY CASE NO. CV-2014-1338 was mailed on June 20, 2014, with sufficient first-class postage to the following:

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