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*Attorneys for Rangen, Inc.*

**DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

IDAHO GROUND WATER  
APPROPRIATORS, INC.,

Petitioner,

vs.

THE IDAHO DEPARTMENT OF  
WATER RESOURCES,

Respondent.

RANGEN, INC., FREMONT MADISON  
IRRIGATION DISTRICT, A&B  
IRRIGATION DISTRICT, BURLEY  
IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, AMERICAN  
FALLS RESERVOIR DISTRICT #2,  
MINIDOKA IRRIGATION DISTRICT,  
NORTH SIDE CANAL COMPANY,  
TWIN FALLS CANAL COMPANY, AND  
THE CITY OF POCA TELLO,

Case No. CV-2014-179

(Consolidated for the purposes of the  
agency record under Twin Falls County  
Case No. CV-2014-1338)

**STIPULATION AND JOINT  
MOTION TO ALLOW RANGEN TO  
FILE ONE SET OF BRIEFS  
COVERING APPEAL AND CROSS  
APPEAL**

**STIPULATION AND JOINT MOTION TO ALLOW RANGEN TO FILE ONE SET OF BRIEFS  
COVERING APPEAL AND CROSS APPEAL - 1**

Intervenors.

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

COME NOW the parties, through their undersigned attorneys, and stipulate and jointly move the Court to enter an Order allowing Rangen, Inc. to file a single opening brief and reply brief covering its appeal and cross appeal in this matter. As grounds, the parties state as follows:

1. Petitions for judicial review filed by the Idaho Ground Water Appropriators, Inc. (“IGWA”) and Rangen, Inc. (“Rangen”), Gooding County Case No. CV-2014-179 and Twin Falls County Case No. CV-2014-1338, respectively, are pending before this Court.
2. Rangen has also filed a Petition for Cross Appeal in Gooding County Case No. CV-2014-179.
3. Gooding County Case No. CV-2014-179 and Twin Falls County Case No. CV-2014-1338 have been consolidated for purposes of the agency record only under Case No. CV-2014-1338.
4. The petitions seek review of the same orders entered in the Rangen delivery call before 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* issued on January 29, 2014; and 2) *Order on Reconsideration* issued on March 4, 2014. In its Cross Appeal in Gooding County Case No. CV-2014-179, Rangen also, out of an abundance of caution, seeks review of the *Order Granting in Part and Denying in Part Rangen, Inc.’s Motion for Partial Summary Judgment Re: Source*.

5. To facilitate orderly briefing, the parties stipulate and agree to allow Rangen to file a single opening brief and reply brief appealing from all orders and addressing all issues raised in Rangen's Petition for Judicial Review and Cross Petition for Judicial Review. The briefs will be filed in Twin Falls County Case No. CV-2014-1338. All responses by other parties to Rangen's briefing will be filed in the same case. Rangen will only file a response brief to IGWA's Petition for Judicial Review in Gooding County Case No. CV-2014-179.

6. This briefing arrangement would expedite the matter and minimize the expense incurred by the parties.

DATED this 19 day of June, 2014.

MAY, BROWNING AND MAY, PLLC

By  \_\_\_\_\_  
J. Justin May

DATED this 19<sup>th</sup> day of June, 2014.

IDAHO DEPARTMENT OF WATER  
RESOURCES

By  \_\_\_\_\_  
Garrick L. Baxter  
Deputy Attorney General

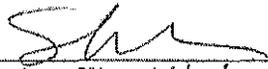
DATED this 17<sup>th</sup> day of June, 2014.

IDAHO GROUND WATER APPROPRIATORS,  
INC.

By  \_\_\_\_\_  
T.J. Budge

DATED this 18<sup>th</sup> day of June, 2014.

CITY OF POCA TELLO

By   
Sarah A. Kian *Kian*

DATED this \_\_\_\_\_ day of June, 2014

FREMONT-MADISON IRRIGATION DISTRICT

By \_\_\_\_\_  
Jerry R. Rigby

DATED this \_\_\_\_\_ day of June, 2014

A&B IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, BURLEY  
IRRIGATION DISTRICT, NORTH SIDE CANAL  
COMPANY, TWIN FALLS CANAL COMPANY

By \_\_\_\_\_  
Travis L. Thompson

DATED this \_\_\_\_\_ day of June, 2014

AMERICAN FALLS RESERVOIR DISTRICT #2,  
MINIDOKA IRRIGATION DISTRICT

By \_\_\_\_\_  
W. Kent Fletcher

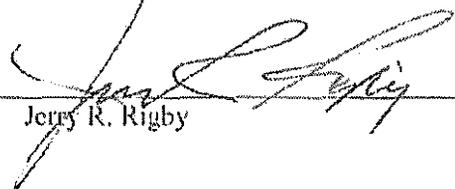
DATED this \_\_\_\_\_ day of June, 2014.

CITY OF POCA TELLO

By \_\_\_\_\_  
Sarah A. Klan

DATED this 18<sup>th</sup> day of June, 2014

FREMONT-MADISON IRRIGATION DISTRICT

By  \_\_\_\_\_  
Jerry R. Rigby

DATED this \_\_\_\_\_ day of June, 2014

A&B IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, BURLEY  
IRRIGATION DISTRICT, NORTH SIDE CANAL  
COMPANY, TWIN FALLS CANAL COMPANY

By \_\_\_\_\_  
Travis L. Thompson

DATED this \_\_\_\_\_ day of June, 2014

AMERICAN FALLS RESERVOIR DISTRICT #2.  
MINIDOKA IRRIGATION DISTRICT

By \_\_\_\_\_  
W. Kent Fletcher

DATED this \_\_\_\_\_ day of June, 2014.

CITY OF POCA TELLO

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By   
Travis L. Thompson

DATED this 18<sup>th</sup> day of June, 2014

AMERICAN FALLS RESERVOIR DISTRICT #2,  
MINIDOKA IRRIGATION DISTRICT

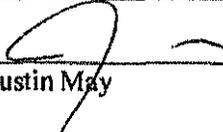
By   
W. Kent Fletcher

**CERTIFICATE OF SERVICE**

The undersigned, a resident attorney of the State of Idaho, hereby certifies that on the 19 day of June, 2014 he caused a true and correct copy of the foregoing document to be served upon the following by the method indicated:

<p><b>Original:</b>                  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 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                  Emmi L. Blades                  IDAHO DEPARTMENT OF WATER                  RESOURCES                  P.O. Box 83720                  Boise, Idaho 83720-0098                  garrick.baxter@idwr.idaho.gov                  emmi.blades@idwr.idaho.gov                  kimi.white@idwr.idaho.gov</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>
<p>Randall C. Budge                  Thomas J. Budge                  RACINE, OLSON, NYE, BUDGE &amp; 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>
<p>Sarah Klahn                  Mitra Pemberton                  WHITE &amp; JANKOWSKI                  Kittredge Building,                  511 16th Street, Suite 500                  Denver, CO 80202                  sarahk@white-jankowski.com                  mitrap@white-jankowski.com</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>
<p>Dean Tranmer                  CITY OF POCA TELLO                  P.O. Box 4169</p>	<p>Hand Delivery <input type="checkbox"/>                  U.S. Mail <input type="checkbox"/>                  Facsimile <input type="checkbox"/></p>

Pocatello, ID 83201 dtranmer@pocatello.us	Federal Express <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/>
John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, L.L.P. 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 Facsimile: (208) 735-2444 tlt@idahowaters.com jks@idahowaters.com pla@idahowaters.com	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"/>
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org	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"/>
Jerry R. Rigby Hyrum Erickson Robert H. Wood RIGBY, ANDRUS & RIGBY, CHARTERED 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com herickson@rex-law.com rwood@rex-law.com	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"/>

  
\_\_\_\_\_  
J. Justin May

**STIPULATION AND JOINT MOTION TO ALLOW RANGEN TO FILE ONE SET OF BRIEFS  
COVERING APPEAL AND CROSS APPEAL - 6**