

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

FEB 12 2015

By _____ Clerk
 _____ Deputy Clerk

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

RANGEN, INC.)	Case No. CV 2014-272
)	
Petitioner,)	ORDER GRANTING MOTION
)	TO DISMISS
vs.)	
)	ORDER DISMISSING ACTION
)	WITH PREJUDICE
GARY SPACKMAN in his official capacity as Director of the Idaho Department of Water Resources, and THE IDAHO DEPARTMENT OF WATER RESOURCES,)	
)	
Respondents,)	
)	
and)	
)	
THE IDAHO GROUND WATER APPROPRIATORS, INC.)	
)	
Intervenor.)	
)	

On August 5, 2014, Rangen, Inc. (“Rangen”) filed an *Amended Complaint for Declaratory Judgment Regarding Constitutionality of Conjunctive Management Rules and Petition for Writ of Mandate (“Amended Complaint”)* in the above-captioned action. On November 25, 2014, the Idaho Department of Water Resources (“Department”) filed a *Motion to Dismiss*, requesting that the *Amended Complaint* be dismissed. The *Motion* was made pursuant to Idaho Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted, and pursuant to Idaho Rule of Civil Procedure 12(b)(8) on the ground that other actions are pending between the same parties for the same causes.

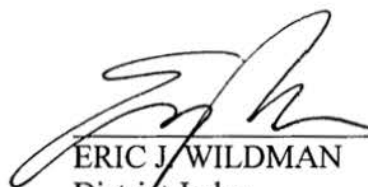
On January 28, 2015, Rangen filed a *Stipulation to Dismissal without Prejudice*, wherein it stipulated to entry of dismissal so long as it is without prejudice and each party bears their own costs and fees. Rangen did not otherwise respond to the merits of the arguments raised by the Department in its *Motion*. On February 2, 2015, the Department filed its *Response* in opposition to Rangen's request that this case be dismissed without prejudice. A hearing on the *Motion* was held before this Court on February 11, 2015. At that hearing, counsel for Rangen agreed to dismissal of this matter with prejudice pursuant to certain stipulated conditions reached by counsel for the Department and counsel for Rangen at the hearing. Those stipulated conditions were discussed and set forth on the record.

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. The Department's *Motion to Dismiss* is hereby granted.
2. The *Amended Complaint for Declaratory Judgment Regarding Constitutionality of Conjunctive Management Rules and Petition for Writ of Mandate* filed by Rangen in this matter on August 5, 2014, is hereby dismissed with prejudice, subject to those stipulated conditions of dismissal agreed to by counsel for the Department and counsel for Rangen on the record at the hearing held before this Court on February 11, 2015.
3. Each party shall bear its own costs and fees.

IT IS SO ORDERED.

Dated February 11, 2015


ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO DISMISS / ORDER DISMISSING ACTION WITH PREJUDICE was mailed on February 12, 2015, with sufficient first-class postage to the following:

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GARY SPACKMAN, IN HIS

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ORDER

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