

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301
EMMI L. BLADES, ISB #8682
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
emmi.blades@idwr.idaho.gov

Attorneys for Respondents

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

RANGEN, INC.,

Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES and GARY SPACKMAN, in
his capacity as Director of the Idaho
Department of Water Resources,

Respondents,

and

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Intervenor.

Case No. CV-2014-4970

**ORDER SETTLING THE AGENCY
RECORD AND TRANSCRIPT**

Pursuant to I.R.C.P. 84(j), on January 16, 2015, the Idaho Department of Water Resources (“Department”) served upon the parties its *Notice of Lodging Agency Record and Transcript with the Agency* (“Notice”). The Notice gave the parties fourteen (14) days from the date of the Notice to file any objections to the agency record and transcript.

On January 30, 2015, Rangen, Inc. (“Rangen”) filed with the Department *Rangen, Inc.’s Objection to the Record in Twin Falls County Case No. CV-2014-4970 (Petition for Judicial Review RE: Morris Exchange Credit)*. On February 4, 2015, Rangen filed an amended objection to the record. After filing the amended objection, Rangen submitted a revised request for inclusion of additional documents in the agency record.

The deadline for lodging the settled agency record and transcript with the District Court was February 13, 2015. The Department filed its *Motion for Extension of Time to Lodge the Settled Record and Transcript with the Court* on February 11, 2015. The Court granted the motion on February 12, 2015, extending the deadline to February 20, 2015.

Rangen’s Objection

Listed below are the additional documents requested by Rangen.

1. Final Order Regarding Rangen, Inc.’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962, dated January 29 2014
2. IGWA’s Mitigation Plan and Request for Hearing, dated February 11, 2014
3. IGWA’s Petition to Stay Curtailment, and Request for Expedited Decision, dated February 12, 2014
4. Rangen, Inc.’s Motion for Reconsideration and Clarification, dated February 12, 2014
5. Rangen, Inc.’s Response in Opposition to IGWA’s Petition to Stay Curtailment, dated February 19, 2014
6. Order Granting IGWA’s Petition to Stay Curtailment, dated February 21, 2104
7. IGWA’s Response to Rangen’s Petition for Reconsideration and Clarification, dated February 24, 2014
8. Surface Water Coalition’s Response to IGWA’s Petition for Reconsideration, dated February 25, 2014
9. Pocatello’s Response to Rangen, Inc.’s Motion for Reconsideration and Clarification, dated February 26, 2014

10. Rangen, Inc.'s Memorandum in Opposition to IGWA's Petition for Reconsideration, dated February 26, 2014
11. IGWA's Reply Brief in Support of its Petition for Reconsideration, dated February 27, 2014
12. Order on Reconsideration, dated March 4, 2014
13. Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order (Supporting data located on Agency Record DVD only), dated April 11, 2014
14. IGWA's Second Petition to Stay Curtailment, and Request for Expedited Decision, dated April 17, 2014
15. IGWA's Reply in Support of its Second Petition to Stay Curtailment, dated April 25, 2014
16. Rangen's Motion for Reconsideration of Order Re: IGWA's Mitigation Plan; Order Lifting Stay; Amended Curtailment Order, dated April 25, 2014
17. Rangen, Inc.'s Response in Opposition to IGWA's Second Petition to Stay Curtailment, dated April 25, 2014
18. Order Granting IGWA's Second Petition to Stay Curtailment, dated April 28, 2014
19. Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order, dated May 16, 2014
20. Final Order on Reconsideration, dated May 16, 2014
21. Order Approving IGWA's Second Mitigation Plan; Order Lifting Stay Issued April 28, 2014; Second Amended Curtailment Order, dated June 20, 2014
22. Exhibit 1075 in CM-DC-2011-004

The record at the time of filing with the District Court will reflect inclusion of these documents.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that, a timely objection to the agency record having been filed, and with the additions or changes to the record described above, the agency record and transcript are deemed settled.

IT IS FURTHER ORDERED that, pursuant to Idaho Rule of Civil Procedure 84(j), this order shall be included in the record on the petition for judicial review. The Department shall provide the parties with copies of the settled agency record and transcript on one (1) DVD.

DATED this 18th day of February 2015.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of February 2015, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the methods indicated:

Original to:
SRBA DISTRICT COURT
253 3RD AVENUE NORTH
PO BOX 2707
TWIN FALLS ID 83303-2707
Facsimile: (208) 736-2121

- U.S. Mail, Postage Prepaid
- Hand Delivery
- Facsimile
- E-mail

J JUSTIN MAY
MAY BROWNING
1419 W WASHINGTON
BOISE ID 83702
jmay@maybrowning.com

- U.S. Mail, Postage Prepaid
- Hand Delivery
- Facsimile
- E-mail

ROBYN BRODY
BRODY LAW OFFICE
PO BOX 554
RUPERT ID 83350
robynbrody@hotmail.com

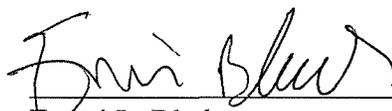
- U.S. Mail, Postage Prepaid
- Hand Delivery
- Facsimile
- E-mail

FRITZ HAEMMERLE
HAEMMERLE & HAEMMERLE
PO BOX 1800
HAILEY ID 83333
fxh@haemlaw.com

- U.S. Mail, Postage Prepaid
- Hand Delivery
- Facsimile
- E-mail

RANDALL C BUDGE
TJ BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rbc@racinelaw.net
tjb@racinelaw.net

- U.S. Mail, Postage Prepaid
- Hand Delivery
- Facsimile
- E-mail



Enmi L. Blades
Deputy Attorney General