On August 1, 2007, the Director of the Department of Water Resources ("Director" or "Department") issued an order in the above-entitled matters setting a combined hearing and prehearing schedule in accordance with a stipulation of the parties providing for a hearing to commence on November 28, 2007. *Order Approving Stipulation and Joint Motion for Rescheduled Hearing* at 2 ("August 1 Order"). In accordance with the terms of the August 1 Order, four of the five parties specifically agreed "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.... This non-opposition is conditioned upon those intervening water users accepting the designated hearing officer and the schedule addressing those issues of law." *August 1 Order* at 2.

The Idaho Dairymen's Association was the only party to the August 1 Order that did not expressly join the intervention and non-opposition portion of the order: "IDA joins in paragraphs 3 and 4 of the Stipulation, and takes no position with respect to the balance of the Stipulation concerning the proposed amended hearing schedule." *Id.* at 1.

On August 9, 2007, Rangen, Inc. ("Rangen") filed its *Petition to Intervene* ("Petition") with the Department pursuant to Rule 350 of the Department’s Rules of Procedure. *IDAPA 37.01.01.350*. No party objected to the Petition within the seven (7) days provided under Department Rule of Procedure Rule 354. Rangen noticed up its Petition for hearing on August 28, 2007. No party objected to the granting of the Petition. In its Petition, Rangen asserts that it...
Petition for hearing on August 28, 2007. No party objected to the granting of the Petition. In its Petition, Rangen asserts that it "holds a number of water rights with a source in the Martin-Curren Tunnel, a spring that is part of the Thousand Springs complex." *Petition* at 1. Additionally, Rangen previously filed a delivery call with the Department that was denied, based on futile call, but it has not had an opportunity for a hearing, although a hearing was requested. In its Petition, Rangen specifically states "that it will not object to the hearing officer appointed by the Director on August 1, 2007," and that it "agrees that it will not seek a continuance of the schedule" as set forth in the parties' stipulation and adopted by the Director. *Id.* at 1-2.

**ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that Rangen, Inc.'s *Petition to Intervene* is GRANTED in accordance with the terms established in the Director's August 1, 2007 *Order Approving Stipulation and Joint Motion for Rescheduled Hearing*, as well as Rangen's express agreement not to object to the appointed hearing officer and not to seek a continuance of the hearing schedule.

Dated this 29th day of August, 2007.

[Signature]

Gerald F. Schroeder
Hearing Officer
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

RANDY BUDGE  
CANDICE M. MCHUGH  
RACINE OLSON  
PO BOX 1391  
POCATELLO ID 83204-1391  
rcb@racinelaw.net  
cmm@racinelaw.net

JOHN SIMPSON  
BARKER ROSHOLT  
PO BOX 2139  
BOISE ID 83701-2139  
(208) 344-6034  
jks@idahowaters.com

DANIEL V. STEENSON  
CHARLES L. HONSINGER  
RINGERT CLARK  
PO BOX 2773  
BOISE ID 83701-2773  
(208) 342-4657  
dvs@ringertelark.com  
clh@ringertclark.com

MIKE CREAMER  
JEFF FEREDAY  
GIVENS PURSLEY  
PO BOX 2720  
BOISE ID 83701-2720  
(208) 388-1300  
mcc@givenspursley.com  
jefffereday@givenspursley.com

MICHAEL S. GILMORE  
ATTORNEY GENERAL'S OFFICE  
PO BOX 83720  
BOISE ID 83720-0010  
(208) 334-2830  
mike.gilmore@ag.idaho.gov

(x) U.S. Mail, Postage Prepaid  
( ) Facsimile  
(x) E-mail

(x) U.S. Mail, Postage Prepaid  
( ) Facsimile  
(x) E-mail

(x) U.S. Mail, Postage Prepaid  
( ) Facsimile  
(x) E-mail

(x) U.S. Mail, Postage Prepaid  
( ) Facsimile  
(x) E-mail

(x) U.S. Mail, Postage Prepaid  
( ) Facsimile  
(x) E-mail
Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources