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DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2015 JAN 20 PM 3:04

BY _____ CLERK
PS _____ DEPUTY

**DISTRICT COURT OF THE STATE OF IDAHO
FIFTH JUDICIAL DISTRICT
TWIN FALLS COUNTY**

IDAHO GROUND WATER AP-
PROPRIATORS, INC.,

Petitioner,

vs.

IDAHO DEPARTMENT OF WA-
TER RESOURCES, and GARY
SPACKMAN in his capacity as the
Director of the Idaho Department
of Water Resources.

Respondents.

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

Case No. CV- 15-237

**PETITION FOR
JUDICIAL REVIEW**

Fee Category L.3: \$221.00

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on be-
half of its members, submits this petition for judicial review pursuant to
Idaho Code §§ 42-1701A and 67-5270 and Rule 84 of the Idaho Rules of
Civil Procedure.

1. This petition requests judicial review of agency action taken by the Idaho Department of Water Resources (IDWR).

2. This court is the proper venue because many of the water rights affected by the agency action are located in Twin Falls County.¹ Pursuant to an Administrative Order issued by the Idaho Supreme Court on December 9, 2009, this case should be reassigned to the presiding judge of the Snake River Basin Adjudication (SRBA) district court for further proceedings.

3. This petition seeks judicial review of the *Order Denying Petition to Amend and Request for Temporary Stay* issued by the Director of the IDWR on January 17, 2014, *In the Matter of Distribution of Water to Water Right Nos. 36-02551 and 36-07694 (Rangen, Inc.)*, IDWR Docket No. CM-DC-2011-004, and *In the Matter of the Fourth Mitigation Plan Filed by the Idaho Ground Water Appropriators for the Distribution of Water to Water Right Nos. 36-02551 & 36-07694 in the name of Rangen, Inc.*, IDWR Docket No. CM-MP-2014-006.

4. No hearing was held before the IDWR on the motion that gave rise to the order this petition seeks judicial review of.

5. IGWA submits the following issues for judicial review:

5.1 Whether the Director erred in concluding he has no authority to issue an amended curtailment order.

5.2 Whether the Director abused his discretion by failing to grant a temporary stay of the curtailment order.

Pursuant to I.R.C.P. 84(d)(5), IGWA reserves the right to amend the issues it presents for judicial review. A final statement of issues will be contained in IGWA's opening brief submitted in support of this Petition.

6. A transcript of proceedings held before the IDWR is not requested.

7. The undersigned attorney certifies as follows:

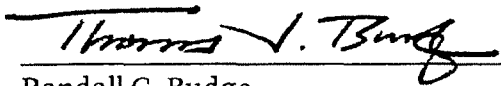
7.1 Service of this Petition has been made on the IDWR.

¹ Idaho Code § 67-5272.

- 7.2 Since no transcript is requested, no fee must be paid to IDWR for the preparation of the transcript.
- 7.3 IGWA has paid the estimated fee to prepare the agency record.

DATED this 20th day of January, 2015

RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED

A handwritten signature in black ink, appearing to read "Thomas J. Budge", is written over a horizontal line.

Randall C. Budge
Thomas J. Budge
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2014, I served a true and correct copy of the foregoing was served by the method indicated:


 Thomas J. Budge

<i>Original to:</i> Clerk of the Court Twin Falls County 425 Shoshone Street N P.O. Box 126 Twin Falls, ID 83303	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Email
<i>Copy to:</i> Clerk of the Court Snake River Basin Adjudication 253 3rd Ave. N P.O. Box 2707 Twin Falls, ID 83303	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Email
Director Gary Spackman Garrick L. Baxter Emmi Blades Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov emmi.blades@idwr.idaho.gov deborah.gibson@idwr.idaho.gov kimi.white@idwr.idaho.gov	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
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Fritz X. Haemmerle Haemmerle & Haemmerle, PLLC P.O. Box 1800 Hailey, ID 83333	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery

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