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*Attorneys for Rangen, Inc.*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF WATER)  
TO WATER RIGHTS HELD BY RANGEN, INC., )  
WATER RIGHT NOS. 36-00134B, 36-00135A, )  
AND 36-15501 )

Docket No. CM-DC-2014-004

**PARTIES' STIPULATED  
PROPOSAL TO NARROW THE  
ISSUES AND SHORTEN THE  
HEARING**

COMES NOW, City of Pocatello (“Pocatello”), Rangen, Inc. (“Rangen”), Idaho Ground Water Appropriators (“IGWA”) and Upper Valley Pumpers (“UV”) (collectively “Parties”), by and through undersigned counsel, to present a stipulated proposal to narrow the issues and shorten the hearing in the captioned matter. The Parties propose that:

1. The parties agree to the submission of agreed upon exhibits, including:
  - a. *Spronk Water Engineers, Inc. Expert Report for 2014 Rangen Delivery Call Prepared for the City of Pocatello January 26, 2015*, by Gregory K. Sullivan, P.E.;
  - b. *Water Right, Water Measurement, and Groundwater Modeling Evaluation of Rangen 2014 Delivery Call*, prepared for IGWA by Charles M. Brendecke, PhD, PE and Sophia C. Sigstedt, January 26, 2015;
  - c. *Expert Report In Support of Rangen, Inc.’s Delivery Call for Water Right No. 36-15501*, prepared for Rangen, Inc. by Charles E. Brockway, Ph.D., P.E., and David C. Colvin, P.G., January 26, 2015;
  - d. *Technical Report in the Matter of Distribution to Water Rights held by Rangen, Inc. Docket No. CM-DC-2014-004 (June 2014 Call for 1957-priority Right)*, prepared for Upper Valley Pumpers by Bryce A. Contor, January 2015;
  - e. *Upper Valley Pumpers, Rebuttal Report of Bryce A. Contor in the Matter of Distribution to Water Rights held by Rangen, Inc. Docket No. CM-DC-2014-004 (June 2014 Call for 1957-priority Right)*, February 2015;
  - f. *Rebuttal Report in Support of Rangen, Inc.’s Delivery Call for Water Right No. 36-15501*, prepared by Charles E. Brockway, Ph.D., P.E., and David C. Colvin, P.G., February 16, 2015;
  - g. *Spronk Water Engineers, Inc. Expert Rebuttal Report for 2014 Rangen Delivery Call Prepared for City of Pocatello February 16, 2015*, by Gregory K. Sullivan, P.E., and Heidi M. Welsh;
  - h. *Idaho Ground Water Appropriators Rebuttal Report*, February 17, 2015, by Charles Brendecke, Ph.D., P.E. and Sonia Sigstedt
  - i. *Staff Memorandum for Rangen, Inc.’s Delivery Call, Water Right 36-15501, CM-DC-2014-004*, prepared by Jennifer Sukow, P.E., P.G., February 9, 2015;
  - j. Any available measurement data for the Curren Tunnel and White Pipe;

- k. *Final Order Regarding Rangen, Inc. 's Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962 ("Curtailment Order")*, January 29, 2014;
  - l. *Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order*, CM-MP-2014-001 and CM-DC-2011-004, April 11, 2014;
  - m. *Rangen's Motion for Reconsideration of Order Re: IGWA's Mitigation Plan; Order Lifting Stay; Amended Curtailment Order*, April 25, 2014;
  - n. *Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan; Order Lifting Stay Issued February 21, 2014; Amended Curtailment Order*, CM-MP-2014-001 and CM-DC-2011-004, May 16, 2014;
  - o. *Final Order on Reconsideration*, CM-MP-2014-001 and CM-DC-2011-004, May 16, 2014;
  - p. Any other documents agreed upon by the parties.
2. Cross-examination:
- a. Pocatello has indicated that it will cross-examine Jennifer Sukow regarding the IDWR Report.
  - b. The Parties are evaluating whether they desire to cross-examine any of the experts regarding the contents of their reports.
  - c. The Parties have agreed that cross-examination in this matter will amount to no more than one (1) day. If any party desires cross-examination, undersigned counsel will inform the other parties and the Department no later than close of business on Friday, February 27, 2015. The parties proposing the witness through written reports, or otherwise, will make their witnesses available, at their own expense, for cross-examination.
3. The Parties propose that in addition to limited cross-examination, the Director may hear argument, based on the record in this case, on issues allowed by the Director's *Order Denying Motion for Summary Judgment; Order Regarding Presentation of Evidence*, dated November 3, 2014 ("Order").
4. To facilitate efficient hearing on these limited issues, the Parties propose the following schedule:
- a. Hearing to commence at 9am on Wednesday, March 4, 2015.
  - b. At the conclusion of evidence or at 9am on Thursday morning, March 5, 2015, the parties may make arguments as specified in paragraph 5 above.

Respectfully submitted this 20<sup>th</sup> day of February, 2015.

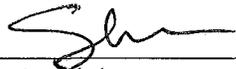
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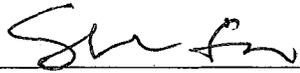
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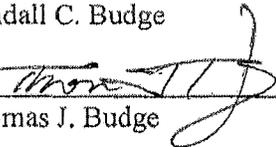
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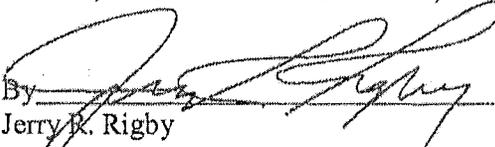
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of February, 2015, a true and correct copy of the foregoing **PARTIES' STIPULATED PROPOSAL TO NARROW THE ISSUES AND SHORTEN THE HEARING** for IDWR Docket No. **CM-DC-2014-004** was served on the following by the method indicated below:



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