

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

IN THE MATTER OF THE AMENDED THIRD
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.

Docket No. CM-MP-2014-005

**RESPONSE TO REQUEST
FOR ORDERS**

On January 9, 2015, a *Stipulation* (“Stipulation”) was submitted to the Idaho Department of Water Resources (“Department”) in the above-captioned proceeding. In the Stipulation, the protestants to *IGWA’s Amended Third Mitigation Plan* (“Mitigation Plan”) conditionally stipulated to approval of components of the Mitigation Plan and stipulated to vacate the hearing scheduled for February 18-19, 2015. One condition of the Stipulation relates to the Department’s approval of measuring devices. The Stipulation states:

The parties agree to the measuring devices recommended by SPF Water Engineering (as outlined in SPF's July 28, 2014, technical memorandum and January 9, 2015, supplement thereto) so long as they are approved by both IDWR and the Water District 36A Watermaster.

Stipulation at 1.

On January 27, 2015, the Director (“Director”) of the Department held a status conference at the Department’s state office in Boise, Idaho. In response to the Stipulation and statements of the parties, the Director agreed to vacate the hearing scheduled for February 18-19, 2015. The Idaho Ground Water Appropriators, Inc. (“IGWA”) stated it only intends to pursue the Sandy Ponds recharge component of the Mitigation Plan and would dismiss other components. The parties agreed IGWA would submit a statement to the Director clarifying which components it will pursue and stating what relief IGWA seeks for the remaining components. The parties also agreed the protestants could submit statements to the Director stating whether they desire to continue to participate in this proceeding given the modified scope. The parties agreed Department staff should review the technical memorandum submitted with the Stipulation and offer comment. IGWA requested a hearing for the remaining portion of the Mitigation Plan in early April, but the parties did not agree on a date for the hearing.

On January 30, 2015, the Director issued the *Order Vacating Hearing; Setting Deadlines to Provide Statements of Intent and Staff Memo; Notice of Status Conference* (“Order”). The Director vacated the hearing scheduled for February 18-19, 2015; ordered IGWA to submit a statement to the Director clarifying which components of the Mitigation Plan it intends to pursue and what relief it seeks related to those components; ordered each protestant to submit a written statement to the Director by February 17, 2015, stating whether the protestant intends to continue to participate in the matter given the modified scope of the proceeding; and required Department staff to submit a staff memorandum responding to the technical memorandum submitted with the Stipulation by February 17, 2015. *Order* at 2.

On February 12, 2015, IGWA submitted to the Department its *Clarification of Scope of Third Plan; Notice of Withdrawal; and Request for Orders* (“Request for Orders”). IGWA requests that the Director issue orders:

1. Approving the proposed measuring devices as set forth in the Stipulation.
2. Scheduling a hearing on the Mitigation Plan.
3. Limiting the scope of the hearing to whether IGWA is entitled to receive credit toward its mitigation obligation to Rangen for recharge IGWA conducts at the Sandy Ponds, and the methodology for calculating such credit.
4. Requiring each protestant to file notice with the Department stating whether the protestant plans to participate in the hearing on the Mitigation Plan.

Request for Orders at 4.

With respect to IGWA’s first request, Department staff submitted a memorandum to the Director on February 17, 2015, responding to the technical memorandum submitted with the Stipulation. Given concerns identified by staff in the memorandum related to the proposed measuring devices, it would be inappropriate for the Director to issue an order approving those devices. The concerns outlined in the staff memorandum must be resolved before the Director will issue an order approving the measuring devices. With respect to IGWA’s second and third requests, the Director’s Order notified the parties a status conference will be held on March 17, 2015, at the Department’s state office in Boise, Idaho. That status conference is the appropriate forum for the parties to discuss scheduling a hearing on the Mitigation Plan and the scope of that hearing. Finally, there is no need to issue IGWA’s fourth requested order because the Director’s Order already required each protestant to submit a statement to the Director by February 17, 2015, stating whether the protestant intends to continue to participate. The February 17, 2015, deadline has passed. The Director will issue a separate order identifying the protestants that will continue to participate in this matter.

Dated this 27th day of February 2015.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 21st, 2015, I served a true and correct copy of the *Response to Request for Orders* on the persons listed below by the method indicated.

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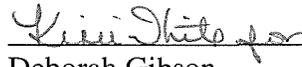
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