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Attorneys for Respondent

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
APR 10 2014	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV-2014-179

MOTION TO CONSOLIDATE

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

COMES NOW Respondent, the Idaho Department of Water Resources ("IDWR"), by and through its undersigned attorneys of record, and moves for consolidation for the reasons set forth below.

Petitions for judicial review filed by the Idaho Ground Water Appropriators, Inc. ("IGWA") and Rangen, Inc. ("Rangen"), Case Nos. CV-2014-179 and CV-2014-1338, respectively, are pending before this Court. These petitions seek review of the same orders entered in the Rangen delivery call before IDWR, Docket No. CM-DC-2011-004: 1) *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* issued on January 29, 2014; and 2) *Order on Reconsideration* issued on March 4, 2014. Rangen also seeks review of the *Order Granting in Part and Denying in Part Rangen, Inc.'s Motion for Partial Summary Judgment Re: Source* issued on April 22, 2013. IDWR files this motion to consolidate judicial review of these petitions for purposes of the agency record only. IDWR requests that all documents filed bear both docket numbers and that briefing proceed separately.

Consolidation is appropriate because both petitions arise from substantially the same orders issued in the Rangen delivery call and are based on the same agency record. Consolidation would also expedite the matters and minimize the expense upon the public and the parties.

A motion to consolidate is being filed concurrently herewith in Case No. CV-2014-1338. IDWR requests that Case No. CV-2014-1338 be the lead case upon consolidation.

Counsel for IDWR has contacted counsel for IGWA; Rangen; Fremont Madison Irrigation District; A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company; American Falls Reservoir District #2 and Minidoka Irrigation District; and the City of Pocatello regarding this motion. There is no opposition to this motion.

DATED this 10th day of April, 2014.

LAWRENCE G. WASDEN
Attorney General
CLIVE R. J. STRONG
Chief, Natural Resources Division



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2014, I caused a true and correct copy of the foregoing **MOTION TO CONSOLIDATE** to be filed with the Court and served on the following parties by the indicated methods:

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