



HELD BY OR FOR THE BENEFIT OF )  
 A&B IRRIGATION DISTRICT, )  
 AMERICAN FALLS RESERVOIR )  
 DISTRICT #2, BURLEY IRRIGATION )  
 DISTRICT, MILNER IRRIGATION )  
 DISTRICT, MINIDOKA IRRIGATION )  
 DISTRICT, NORTH SIDE CANAL )  
 COMPANY AND TWIN FALLS CANAL )  
 COMPANY )  
 \_\_\_\_\_ )

On August 3, 2010, this Court issued a *Procedural Order Governing Judicial Review of Final Orders of Director of Idaho Department of Water Resources* (“*Procedural Order*”). The above-captioned matter was subsequently stayed pursuant to stipulation of the parties pending the Idaho Supreme Court’s issuance of its written decision in Supreme Court Docket No. 2010-38193. The Idaho Supreme Court has issued its written decision, and the stay is now lifted. Many of the deadlines previously set forth in this Court’s *Procedural Order* now need to be revisited and amended.

Therefore, the *Procedural Order* is amended in part as follows:

**Preparation of Agency Record:** The clerk of the Idaho Department of Water Resources (“Department”) shall lodge the record with the Department within 14 days of the entry of this *Amended Order*, or no later than **March 10, 2014**.

**Preparation of Transcript:** The transcript shall be lodged with the agency within 14 days of the entry of this *Order*, or no later than **March 10, 2014**.

**Settlement of Transcript and Record:** Pursuant to I.R.C.P. 84(j), and unless otherwise provided by statute, upon receipt of the transcript and upon completion of the record, the Department shall mail or deliver notice of lodging of transcript and record to all attorneys of record or parties appearing in person and to the district court. The parties shall have 14 days from the date of mailing of the notice to pick up a copy of the transcript and agency record and to object to the transcript or record. All fees for the preparation of the transcript and record shall be paid by the responsible party at or before the pick up of the agency record and transcript. Any objection to the record shall be determined by the Department within 14 days of the receipt of the objection and the decision on the objection shall be included in the record on petition for review. Upon the failure of the party to object within 14 days, the transcript and record shall be deemed settled. Pursuant to I.R.C.P. 84(k), the settled record and transcript shall be lodged with the district court no later than **April 7, 2014**.

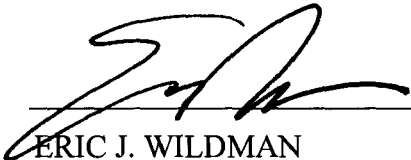
**Briefs and Memoranda:** The petitioners' briefs shall be filed with the clerk of the court within 35 days after lodging of the transcript and record. The respondents' briefs shall be filed within 28 days after service of petitioners' briefs. Any reply briefs shall be filed within 21 days after service of respondents' briefs. The organization and content of briefs shall be governed by I.A.R. 35 and 36, provided:

- a. Pursuant to the request of the parties, the parties may split their briefing of the issues raised in this matter into two separate briefs as follows: The first shall address the issues raised by the parties in Gooding County Case Nos. CV-2010-383, CV 2010-384 and CV-2010-388, pertaining to the Director's *Methodology Order*.<sup>1</sup> The second shall address the issues raised by the parties in Gooding County Cases CV-2010-382, CV-2010-387, Twin Falls County Cases CV-2010-3403, 2010-5520, 2010-5946, 2012-2096, 2013-2305, 2013-4417 and Lincoln County Case CV-2013-155, pertaining to all other *Final Orders* issued by the Director that are at issue in this proceeding. To avoid repetition the parties may cross-reference the two briefs.
- b. Pursuant to the request of the parties, the fifty (50) page limit on briefing provided for in Idaho Appellate Rule 34(b) is hereby waived. The length of the parties' briefing shall be limited only by what is reasonable.

Pursuant to I.R.C.P. 84(p) only one (1) original signed brief may be filed with the court and copies shall be served on all parties.

**Oral Argument, Telephonic and Video Teleconferencing:** Oral argument will be heard on July 9, 2014, at 1:30 p.m. (Mountain Time) at the Snake River Basin Adjudication District Court, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho. Parties should refer to the *Procedural Order* regarding protocol for telephone and VTC participation. The form and order of argument shall be governed by I.A.R. 37.

Dated February 24, 2014

  
ERIC J. WILDMAN  
District Judge

<sup>1</sup> The term "*Methodology Order*" refers to the Director's June 23, 2010, *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* issued in IDWR Docket No. CM-DC-2010-001.

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER AMENDING IN PART PROCEDURAL ORDER GOVERNING JUDICIAL REVIEW OF FINAL ORDERS 0224OF DIRECTOR OF IDWR was mailed on February 24, 2014, with sufficient first-class postage to the following:

CITY OF POCATELLO  
Represented by:  
A. DEAN TRANMER  
CITY OF POCATELLO  
PO BOX 4169  
POCATELLO, ID 83201  
Phone: 208-234-6148

GARY SPACKMAN  
Represented by:  
GARRICK L BAXTER  
DEPUTY ATTORNEY GENERAL  
STATE OF IDAHO - IDWR  
PO BOX 83720  
BOISE, ID 83720-0098  
Phone: 208-287-4800

A&B IRRIGATION DISTICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL COMPANY  
TWIN FALLS CANAL COMPANY  
Represented by:  
PAUL L ARRINGTON  
195 RIVER VISTA PL STE 204  
TWIN FALLS, ID 83301-3029  
Phone: 208-733-0700

IDAHO GROUND WATERS  
Represented by:  
RANDALL C BUDGE  
201 E CENTER ST STE A2  
PO BOX 1391  
POCATELLO, ID 83204-1391  
Phone: 208-232-6101

CITY OF POCATELLO  
Represented by:  
SARAH A KLAHN  
WHITE & JANKOWSKI LLP  
KITTREDGE BUILDING  
511 16TH ST STE 500  
DENVER, CO 80202  
Phone: 303-595-9441

A&B IRRIGATION DISTICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL COMPANY  
TWIN FALLS CANAL COMPANY  
Represented by:  
TRAVIS L THOMPSON  
195 RIVER VISTA PL STE 204  
TWIN FALLS, ID 83301-3029  
Phone: 208-733-0700

AMERICAN FALLS RESERVOIR  
MINIDOKA IRRIGATION DISTRICT  
Represented by:  
W KENT FLETCHER  
1200 OVERLAND AVE  
PO BOX 248  
BURLEY, ID 83318-0248  
Phone: 208-678-3250

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098