

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

JAN - 4 2016

Clerk

Deputy Clerk

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

SUN VALLEY COMPANY, a Wyoming corporation,
Petitioner,

vs.

GARY SPACKMAN in his official capacity as the
Director of the Idaho Department of Water Resources;
and the IDAHO DEPARTMENT OF WATER
RESOURCES,
Respondents,

and

CITY OF KETCHUM, CITY OF FAIRFIELD,
WATER DISTRICT 37-B GROUNDWATER
GROUP, BIG WOOD & LITTLE WOOD WATER
USERS ASSOCIATION, SOUTH VALLEY
GROUND WATER DISTRICT, ANIMAL
SHELTER OF WOOD RIVER VALLEY, DENNIS J.
CARD and MAUREEN E. MCCANTY, EDWARD
A LAWSON, FLYING HEART RANCH II
SUBDIVISION OWNERS ASSOCIATION, INC.,
HELIOS DEVELOPMENT, LLC, SOUTHERN
COMFORT HOMEOWNER'S ASSOCIATION,
THE VILLAGE GREEN AT THE VALLEY CLUB
HOMEOWNERS ASSOCIATION, INC., AIRPORT
WEST BUSINESS PARK OWNERS ASSN INC.,
ANNE L. WINGATE TRUST, AQUARIUS SAW
LLC, ASPEN HOLLOW HOMEOWNERS, DON R.
and JUDY H. ATKINSON, BARRIE FAMILY
PARTNERS, BELLEVUE FARMS LANDOWNERS
ASSN, BLAINE COUNTY RECREATION
DISTRICT, BLAINE COUNTY SCHOOL
DISTRICT #61, HENRY and JANNE BURDICK,
LYNN H. CAMPION, CLEAR CREEK LLC,
CLIFFSIDE HOMEOWNERS ASSN INC, THE
COMMUNITY SCHOOL INC, JAMES P. and JOAN

) Case No. CV-WA-2015-
) 14500

) **ORDER GRANTING**
) **MOTION FOR LEAVE**
) **TO PRESENT**
) **ADDITIONAL**
) **EVIDENCE**

CONGER, DANIEL T. MANOOGIAN)
 REVOCABLE TRUST, DONNA F. TUTTLE)
 TRUST, DAN S. FAIRMAN MD and MELYNDA)
 KIM STANDLEE FAIRMAN, JAMES K. and)
 SANDRA D. FIGGE, FLOWERS BENCH LLC,)
 ELIZABETH K. GRAY, R. THOMAS GOODRICH)
 and REBECCA LEA PATTON, GREENHORN)
 OWNERS ASSN INC, GRIFFIN RANCH)
 HOMEOWNERS ASSN and GRIFFIN RANCH PUD)
 SUBDIVISION HOMEOWNERS ASSN INC,)
 GULCH TRUST, IDAHO RANCH LLC, THE)
 JONES TRUST, LOUISA JANE H. JUDGE, RALPH)
 R. LAPHAM, LAURA L. LUCERE, CHARLES L.)
 MATTHIESEN, MID VALLEY WATER CO LCC,)
 MARGO PECK, PIONEER RESIDENTIAL &)
 RECREATIONAL PROPERTIES LLC, RALPH W.)
 & KANDI L. GIRTON 1999 REVOCABLE TRUST,)
 RED CLIFFS HOMEOWNERS ASSOCIATION, F.)
 ALFREDO REGO, RESTATED MC MAHAN 1986)
 REVOCABLE TRUST, RHYTHM RANCH)
 HOMEOWNERS ASSN, RIVER ROCK RANCH)
 LP, ROBERT ROHE, MARION R. and ROBERT M.)
 ROSENTHAL, SAGE WILLOW LLC, SALIGAO)
 LLC, KIRIL SOKOLOFF, STONEGATE)
 HOMEOWNERS ASSN INC, SANDOR and TERI)
 SZOMBATHY, THE BARKER LIVING TRUST,)
 CAROL BURDZY THIELEN, TOBY B. LAMBERT)
 LIVING TRUST, VERNON IRREVOCABLE)
 TRUST, CHARLES & COLLEEN WEAVER,)
 THOMAS W. WEISEL, MATS and SONYA)
 WILANDER, MICHAEL E. WILLARD, LINDA D.)
 WOODCOCK, STARLITE HOMEOWNERS)
 ASSOCIATION, GOLDEN EAGLE RANCH)
 HOMEOWNERS ASSN INC, TIMBERVIEW)
 TERRACE HOMEOWNERS ASSN, and)
 HEATHERLANDS HOMEOWNERS)
 ASSOCIATION INC.,)

Intervenors.)

IN THE MATTER OF DISTRIBUTION OF WATER)
 TO WATER RIGHTS HELD BY MEMBERS OF)
 THE BIG WOOD & LITTLE WOOD WATER)
 USERS ASSOCIATION DIVERTING FROM THE)
 BIG WOOD AND LITTLE WOOD RIVERS)


On December 8, 2015, the Sun Valley Company filed a *Motion for Leave to Present Additional Evidence* pursuant to Idaho Code § 67-5276.¹ The *Motion* seeks to present additional evidence concerning alleged irregularities in procedure before the Director of the Idaho Department of Water Resources in the contested case giving rising to this judicial review proceeding. The specific evidence consists of various photographs and other documents attached to the *Affidavit of Scott L. Campbell* dated December 8, 2015, and the *Supplemental Affidavit of Scott L. Campbell* dated December 11, 2015. The City of Ketchum and the City of Fairfield joined in support of the *Motion*. The Respondents filed a response in opposition to the *Motion*. A hearing on the *Motion* was held before this Court on January 4, 2016. For the reasons stated on the record, the Court in an exercise of its discretion granted the *Motion*.

THEREFORE, BASED ON THE FOREGOING THE FOLLOWING ARE HEREBY ORDERED:

1. The Sun Valley Company's *Motion for Leave to Present Additional Evidence* is **hereby granted**.
2. The Sun Valley Company is hereby granted leave to present, and the Court will take proof of, additional evidence consisting of the photographs and other documents attached to the *Affidavit of Scott L. Campbell* dated December 8, 2015, and the *Supplemental Affidavit of Scott L. Campbell* dated December 11, 2015.

IT IS SO ORDERED.

Dated January 4, 2015


ERIC J. WILDMAN
District Judge

¹ The *Motion* also requested leave to conduct limited discovery. However, at the hearing held on the *Motion* on January 4, 2016, the Sun Valley Company withdrew its request for leave to conduct additional discovery.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE was mailed on January 04, 2016, with sufficient first-class postage to the following:

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