
In the Supreme Court of the State of Idaho

SOUTH VALLEY GROUND WATER
DISTRICT and GALENA GROUND WATER
DISTRICT,

Petitioners/Respondents/Cross Appellants,
v.

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

Respondents/Appellants/Cross Respondents,

and

SUN VALLEY COMPANY, CITY OF
BELLEVUE, BIG WOOD CANAL
COMPANY, BIG WOOD & LITTLE WOOD
WATER USERS ASSOCIATION, CITY OF
POCATELLO, CITY OF KETCHUM, and
CITY OF HAILEY,

Intervenors/Respondents.

Supreme Court Docket No. 49632-2022

**MUNICIPAL PROVIDERS'
MOTION FOR LEAVE TO FILE AMICUS BRIEF**

Appeal from the District Court of the Fifth Judicial District
of the State of Idaho, in and for the County of Blaine, Case No. CV07-21-00243
Honorable Eric J. Wildman, District Judge, Presiding

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Veolia Water Idaho, Inc. (“Veolia”) and the City of Coeur d’Alene (“Coeur d’Alene”) (together, the “Municipal Providers”), pursuant to Idaho Appellate Rule 8, move this Court for leave to appear as amicus curiae in the above-captioned appeal. The Municipal Providers seek to file an amicus brief, but do not seek to participate in oral argument. The Municipal Providers’ proposed brief has been filed contemporaneously with this motion.

As described in the Municipal Providers’ proposed brief, they are interested in this appeal because it will determine whether the Director of the Idaho Department of Water Resources (“IDWR” or “Department”) must determine an “area of common ground water supply” and “material injury” before curtailing groundwater rights for the benefit of surface water users. The Municipal Providers support the Respondents/Cross-Appellants’ and Intervenor/Respondents’ defense of the district court’s holding that, in the administrative proceeding below, the Department violated Idaho’s prior appropriation doctrine by failing to define an area of common ground water supply or make a finding of material injury to senior surface water rights.

The outcome of this appeal on these points will have statewide implications. The Municipal Providers (and many others) divert groundwater from aquifers in areas of the state that have not yet been subject to conjunctive administration. All Idaho groundwater users, regardless of location, are entitled to the protections afforded by the foundational principles of Idaho’s prior appropriation doctrine underpinning the requirement that IDWR determine an area of common ground water supply and material injury before curtailing junior groundwater rights in conjunctive administration with surface water rights.

DATED this 30th day of September, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of September, 2022, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

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