

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 POCA TELLO, CITY OF KETCHUM, and CITY OF HAILEY,

Intervenors-Respondents.

Order Conditionally Granting in Part and Denying in Part Motion to Augment the Record

Supreme Court Docket No. 49632-2022

Blaine County District Court No.
CV07-21-00243

RESPONDENTS' AND CROSS-APPELLANTS' MOTION TO AUGMENT THE RECORD was filed by counsel for Respondents-Cross Appellants on November 21, 2022, with copies of the requested documents attached to the Motion. IDWR'S OPPOSITION TO THE DISTRICTS' MOTION TO AUGMENT THE RECORD was filed by counsel for Appellants-Cross Respondents on December 1, 2022. RESPONDENTS' AND CROSS-APPELLANTS' REPLY IN SUPPORT OF ITS MOTION TO AUGMENT THE RECORD was filed by counsel for Respondents-Cross Appellants on December 8, 2022. Therefore, good cause appearing,

IT IS HEREBY ORDERED that RESPONDENTS' AND CROSS-APPELLANTS' MOTION TO AUGMENT THE RECORD be, and is hereby, CONDITIONALLY GRANTED in part and the following documents shall be added to the augmentation record:

1. Second Declaration of Michael A. Short, file-stamped 06/29/2021.

IT IS FURTHER ORDERED that RESPONDENTS' AND CROSS-APPELLANTS' MOTION TO AUGMENT THE RECORD be, and is hereby, DENIED in part, as the following documents do not bear the file stamp of the district court as required by IAR 30(a):

2. Amended Order, SWC Delivery Call (IDWR May 2, 2005);
3. Defendants' Memo in Response to Motion for Summary Judgment, AFRD#2, No. CV-2005-600 (Gooding County District Court Dec 6, 2005);
4. Purpose of Statement, H.B. 986, 52nd Legis., 2nd Reg. Sess. (1994);
5. Def.-App. Opening Brief On Appeal, AFRD#2, No. 33249, 33311, 33399 (Idaho Supreme Court Oct. 27, 2006);
6. Order Dismissing Application for Temporary Restraining Order, Complaint for Declaratory Relief, Writ of Probation and Preliminary Injunction, IGWA f. IDWR, No. 2007-526 (Jerome County District Court June 12, 2007);
7. Order on Petition for Judicial Review, A&B v. IDWR, No. 2008-551 (Gooding County District Court July 28, 2009); and
8. October 2020 Draft agreement between Basin 37 seniors and juniors.

IT IS FURTHER ORDERED that Respondents-Cross Appellants' request for judicial notice is DENIED.

IT IS FURTHER ORDERED that Respondents-Cross Appellants' shall pay the \$10.00 fee to augment the Clerk's Record (5 pages at \$2.00 per page) on or before fourteen (14) days of the date of this Order per I.A.R. 30(b). Failure to timely pay the fee shall result in the denial of the augmentation.

Dated 01/13/2023.

By Order of the Supreme Court



Melanie Gagnepain
Clerk of the Courts