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DEPARTMENT OF
WATER RESOURCES

Michael C. Creamer, ISB #4030
Michael P. Lawrence, ISB #7288
GIVENS PURSLEY LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Fax: 208-388-1300
Attorneys for City of Hailey
9955-10[13675674_1]

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION FOR
ADMINISTRATION FILED BY THE BIG
WOOD & LITTLE WOOD WATER USERS
ASSOCIATION

Docket No. CM-DC-2017-001

**CITY OF HAILEY'S JOINDER IN
SOUTH VALLEY GROUND WATER
DISTRICT'S MOTION TO DISMISS
OR IN THE ALTERNATIVE MOTION
TO STAY**

The City of Hailey, by and through its attorneys Givens Pursley LLP, hereby joins in South Valley Ground Water District's ("SVGWD") *Motion to Dismiss or in the Alternative Motion to Stay* previously filed with the Department in the above-captioned matter.


The District Court made clear in the 2015 delivery call filed by the same Big and Little Wood Water Users' Association ("BWWUA") that, as the petitioner, BWWUA is required to comply with all of the procedural requirements of Rule 30 of the Conjunctive Management Rules ("CMRs"). In initiating a delivery call under the CMRs a calling senior must provide all information upon which it bases the allegation of material injury to its water rights by junior ground water use.

The BWWUA continues here its original course of conduct in the 2015 delivery call of failing to satisfy this initial requirement. Moreover, BWWUA's May 3, 2017 *Motion for Protective Order* evidences its intent *going forward* to resist providing basic facts related to its members' water rights, and their water diversions and water use (i.e., facts relevant to an essential element of their injury claim). The City of Hailey expects that the Department will enforce the CMRs here consistently with its position in other delivery call proceedings, including the Surface Water Coalition and Rangen calls, by strictly requiring the seniors to set forth all facts supporting their injury claim.

Having now twice failed to comply with this well-established requirement of the CMRs, BWWUA's delivery call should be dismissed or should be stayed until it can be compelled to comply with the CMRs.

DATED this 9th day of May 2017.

GIVENS PURSLEY LLP

By: 
Michael C. Creamer
Attorneys for City of Hailey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 9th day of May, 2017, I served a true and correct copy of the above and foregoing document via the manner listed below to the following:

Gary L. Spackman
Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise ID 83702

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Joseph F. James
Brown & James
130 Fourth Ave. West
Gooding ID 83330

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Scott L. Campbell
Campbell Law, Chtd.
PO Box 170538
Boise ID 83717

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Matt McGee
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S Capitol Blvd, 10th Floor
Boise ID 83702-7710

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Galena Ground Water District
P O Box 2761
Sun Valley, ID 83353

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Albert Barker
Barker Rosholt & Simpson LLP
P O Box 2139
Boise, ID 83701

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Laird B Stone
Stephan Kvanvig Stone & Trainor
P.O. Box 83
Twin Falls ID 83303

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Matthew A. Johnson
White Peterson Gigray & Nichols, P.A.
5700 E Franklin Rd, Ste 200
Nampa ID 83687

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

Chris M. Bromley
McHugh Bromley PLLC
380 S 4th St, Ste 103
Boise ID 83702

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail


Michael C. Creamer