

Thomas J. Budge (ISB# 7465)
Elisheva M. Patterson (ISB#11746)
RACINE OLSON, PLLP
201 E. Center St. / P.O. Box 1391
Pocatello, Idaho 83204
Ph: (208) 232-6101
tj@racineolson.com
elisheva@racineolson.com

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

**DISTRICT COURT OF THE STATE OF IDAHO
FOURTH JUDICIAL DISTRICT
ADA COUNTY**

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioner,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, and MAT WEAVER in his
capacity as the Director of the Idaho Department
of Water Resources.

Respondents,

and

AMERICAN FALLS RESERVOIR DISTRICT
#2, MINIDOKA IRRIGATION DISTRICT,
A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, TWIN FALLS CANAL
COMPANY, CITY OF POCA TELLO, CITY
OF BLISS, CITY OF BURLEY, CITY OF
CAREY, CITY OF DECLO, CITY OF
DIETRICH, CITY OF GOODING, CITY OF
HAZELTON, CITY OF HEYBURN, CITY OF
JEROME, CITY OF PAUL, CITY OF
RICHFIELD, CITY OF RUPERT, CITY OF
SHOSHONE, CITY OF WENDELL,

Case No. CV01-23-13173

**UNOPPOSED MOTION TO MODIFY
BRIEFING SCHEDULE**

BONNEVILLE-JEFFERSON GROUND
WATER DISTRICT, and BINGHAM
GROUND WATER DISTRICT,

Intervenors.

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
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

Idaho Ground Water Appropriators, Inc. (“IGWA”), acting for and on behalf of North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, American Falls-Aberdeen Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District, through counsel, respectfully submits this *Unopposed Motion to Modify Briefing Schedule* pursuant to Idaho Appellate Rule 34(d) and paragraph 10 of the Court’s Procedural Order dated August 16, 2023. This motion is supported by Declaration of Counsel, pursuant to I.A.R. 34(d), filed contemporaneously herewith. For the reasons set forth below, IGWA respectfully requests that the Court vacate the briefing dates set forth in the *Procedural Order*, pending a decision on IGWA’s *Motion to Augment Agency Record or Present Additional Evidence* (“Motion to Augment”).

1. Counsel for Petitioner has conferred with counsel for all parties in the above-captioned matter, who have indicated either their support for or non-opposition to this motion.
2. Petitioner requests that the Court vacate the briefing schedule outlined in the *Procedural Order*, which sets Petitioner’s opening brief due date for November 1, 2023; Respondents/Intervenors’ response brief due date for November 29, 2023; and Petitioner’s reply brief due date for December 20, 2023.
3. There is good cause to vacate the *Procedural Order* brief due dates because IGWA’s *Motion to Augment* is set for hearing on November 9, 2023, after IGWA’s opening brief


is due. The content of IGWA's opening brief shall be determined by the Court's decision on the *Motion to Augment*.

4. No alternate briefing dates are currently proposed because the parties do not know when the Court will issue its decision on the *Motion to Augment*. If this Court grants IGWA's *Motion to Augment*, then Respondents Idaho Department of Water Resources and Mat Weaver may elect to file a modification or new findings with the Court, pursuant to Idaho Code § 67-5276(2). The alternate briefing dates will need to factor in each of these events, the dates of which are unknown.
5. No previous extensions of time have been requested, and so no extensions have been granted or denied in this matter.
6. Petitioner shall coordinate with the Court and the parties to set alternate briefing dates and submit same after the Court's decision on the *Motion to Augment* is issued. The parties are known entities to this Court having brought before it petitions for judicial review on other matters. The parties have previously complied with the Court's procedural orders and submitted briefs timely and are expected to do the same should this Court modify the *Procedural Order* briefing schedule.

WHEREFORE, Petitioner respectfully requests this Court grant IGWA's *Unopposed Motion to Modify Briefing Schedule*.

Respectfully submitted this 27th day of October, 2023.

RACINE OLSON, PLLP

By: 
Elisheva M. Patterson
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2023, I served the foregoing document on the persons below via iCourt.


Elisheva M. Patterson

Clerk of the Court ADA COUNTY DISTRICT COURT
Director Mathew Weaver Garrick Baxter Sarah Tschohl IDAHO DEPT. OF WATER RESOURCES
John K. Simpson Travis L. Thompson MARTEN LAW
W. Kent Fletcher FLETCHER LAW OFFICE
Kathleen Marion Carr U.S. DEPT. INTERIOR
David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. DEPT. OF JUSTICE
Matt Howard U.S. BUREAU OF RECLAMATION
Sarah A Klahn SOMACH SIMMONS & DUNN
Rich Diehl CITY OF POCA TELLO
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC
Robert E. Williams WILLIAMS, MESERVY, & LOTH SPEICH, LLP

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

Randall D. Fife
City Attorney
CITY OF IDAHO FALLS

Skyler C. Johns
Nathan M. Olsen
Steven L. Taggart
OLSEN TAGGART PLLC

Dylan Anderson
DYLAN ANDERSON LAW PLLC