

OCT 31 2023

TRENT TRIPPLE, Clerk
By ERIC ROWELL
DEPUTY

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

IDAHO GROUNDWATER
APPROPRIATORS, INC.,

Petitioner,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES, and GARY SPACKMAN 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
POCATELLO, 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, AND
CITY OF WENDELL, BONNEVILLE-
JEFFERSON GROUND WATER DISTRICT,
and BINGHAM GROUNDWATER
DISTRICT,

) Case No. CV01-23-13173
)
) **ORDER GRANTING**
) **UNOPPOSED MOTION TO**
) **MODIFY BRIEFING**
) **SCHEDULE**

Intervenors.)
 _____)
 IN THE MATTER OF THE DISTRIBUTION)
 OF WATER TO VARIOUS WATER)
 RIGHTS HELD BY AND FOR THE)
 BENEFIT OF A&B IRRIGATION)
 DISTRICT, AMERICAN FALLS)
 RESERVOIRS DISTRICT NO. 2, BURLEY)
 IRRIGATION DISTRICT, MILNER)
 IRRIGATION DISTRICT, MINIDOKA)
 IRRIGATION DISTRICT, NORTH SIDE)
 CANAL COMPANY, AND TWIN FALLS)
 CANAL COMPANY.)

On August 16, 2023, the Petitioner filed a *Petition for Judicial Review* in this matter. The Court subsequently entered a *Procedural Order*. Among other things, the *Procedural Order* sets forth the briefing schedule on judicial review. On September 27, 2023, the agency lodged the settled agency transcript and record with the Court. On October 16, 2023, the Petitioner filed a *Motion to Augment Agency Record or Present Additional Evidence* (“*Motion to Augment*”). A hearing on the *Motion* is presently set for November 9, 2023.

On October 27, 2023, the Petitioner filed an *Unopposed Motion to Modify Briefing Schedule*. The *Unopposed Motion* requests that the Court vacate the briefing schedule set forth in the *Procedural Order* pending the Court’s decision on the *Motion to Augment*. Counsel for the Petitioners represents that he/she has conferred with counsel for all parties and that none of the other parties oppose the *Unopposed Motion*. The Court in an exercise of its discretion will grant the *Unopposed Motion* on the basis that it is unopposed.

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

1. The briefing schedule on judicial review set forth in the *Procedural Order* is hereby vacated.
2. Counsel for the Petitioner shall forthwith coordinate with the Court and the parties to set alternate briefing dates and submit the same to the Court after the Court’s decision on the *Motion to Augment* is issued.

Dated October 31, 2023



ERIC WILMAN
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

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Date: 10/31/2023

Trent Tripple
Clerk of the Court

By Eric Rowell
Deputy Clerk

