

**RAÚL R. LABRADOR**  
ATTORNEY GENERAL

**SCOTT L. CAMPBELL**  
Chief of Energy and Natural Resources Division

**GARRICK L. BAXTER, ISB No. 6301**  
**KAYLEEN R. RICHTER, ISB No. 11258**

Deputy Attorneys General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Telephone: (208) 287-4800  
Facsimile: (208) 287-6700  
[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[kayleen.richter@idwr.idaho.gov](mailto:kayleen.richter@idwr.idaho.gov)

*Attorneys for Respondents*

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

CITY OF IDAHO FALLS, 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,

Petitioners,

vs.

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

Respondents,

and

IDAHO GROUND WATER  
APPROPRIATORS INC., A&B IRRIGATION  
DISTRICT, BURLEY IRRIGATION

Case No. CV01-23-13238

**NOTICE OF LODGING THE SETTLED  
AGENCY TRANSCRIPT AND RECORD  
WITH THE DISTRICT COURT**

DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, TWIN FALLS CANAL COMPANY, AMERICAN FALLS RESERVOIR DISTRICT #2, MINIDOKA IRRIGATION DISTRICT, BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, and BINGHAM GROUNDWATER DISTRICT,

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 RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY

TO: THE DISTRICT COURT AND THE PARTIES OF RECORD

On August 31, 2023, the Idaho Department of Water Resources (“Department”) served its *Notice of Lodging the Agency Transcript and Record with the Agency* (“Notice”) in this matter pursuant to I.R.C.P. 84(j). The *Notice* gave the parties fourteen (14) days from the date of the *Notice* to file any objection to the agency transcript or record. No objections to the agency transcript or record have been filed with the Department.

On September 28, 2023, the Director issued his *Order Settling the Agency Transcript and Record*. The agency transcript and record are deemed settled pursuant to I.R.C.P. 84(j).

YOU ARE HEREBY NOTIFIED that the settled record is being filed with the District Court pursuant to I.R.C.P. 84(k), through iCourt e-filing and by providing one (1) DVD containing documents in OCR format, dated September 28, 2023. A copy of the settled agency

transcript and record filed with the District Court have been uploaded to the Department's website. The parties may visit <https://idwr.idaho.gov/legal-actions/district-court-actions/city-of-idaho-falls-v-idwr/> and follow their browser's document download procedure to obtain a copy of the settled agency transcript and record after expanding the accordion labeled "Settled Agency Transcript and Record" and clicking on the PDFs titled "Settled Agency Hearing Transcript on Appeal" and "Settled Agency Record on Appeal" and the zipped file titled "Officially Noticed Documents."

DATED this 28th day of September 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL



---

GARRICK L. BAXTER  
Deputy Attorney General

*Attorneys for Respondents*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of September 2023, I caused to be served a true and correct copy of the foregoing *Notice of Lodging the Settled Agency Transcript and Record With the District Court*, via iCourt E-File and Serve, upon the following:

Candice M. McHugh  
Chris M. Bromley  
MCHUGH BROMLEY, PLLC  
[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)  
[cmchugh@mchughbromley.com](mailto:cmchugh@mchughbromley.com)

Sarah A. Klahn  
Maximilian C. Bricker  
SOMACH SIMMONS & DUNN, P.C.  
[sklahn@somachlaw.com](mailto:sklahn@somachlaw.com)  
[mbricker@somachlaw.com](mailto:mbricker@somachlaw.com)

Robert L. Harris  
HOLDEN KIDWELL HAHN & CRAPO,  
PLLC  
[efiling@holdenlegal.com](mailto:efiling@holdenlegal.com)

John K. Simpson  
Travis L. Thompson  
MARTEN LAW LLP  
[jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)  
[tthompson@martenlaw.com](mailto:tthompson@martenlaw.com)

Thomas J. Budge  
Elisheva M. Patterson  
RACINE OLSON, PLLP  
[tj@racineolson.com](mailto:tj@racineolson.com)  
[elisheva@racineolson.com](mailto:elisheva@racineolson.com)

W.Kent Fletcher  
FLETCHER LAW OFFICE  
[wkf@pmt.org](mailto:wkf@pmt.org)

Dylan Anderson  
Dylan Anderson Law PLLC  
[dylan@dylanandersonlaw.com](mailto:dylan@dylanandersonlaw.com)

Skyler C. Johns  
Nathan M. Olsen  
Steven L. Taggart  
OLSEN TAGGART PLLC  
[sjohns@olsentaggart.com](mailto:sjohns@olsentaggart.com)  
[nolsen@olsentaggart.com](mailto:nolsen@olsentaggart.com)  
[staggart@olsentaggart.com](mailto:staggart@olsentaggart.com)  
[icourt@olsentaggart.com](mailto:icourt@olsentaggart.com)



GARRICK L. BAXTER  
Deputy Attorney General