

Sarah A. Klahn (ISB# 7928)  
Maximilian C. Bricker (ISB #12283)  
SOMACH SIMMONS & DUNN, P.C.  
1155 Canyon St., Suite 110  
Boulder, CO 80302  
[sklahn@somachlaw.com](mailto:sklahn@somachlaw.com)  
[mbricker@somachlaw.com](mailto:mbricker@somachlaw.com)  
*Attorneys for City of Pocatello*

Candice M. McHugh (ISB# 5908)  
Chris M. Bromley (ISB # 6530)  
MCHUGH BROMLEY, PLLC  
380 S. 4<sup>th</sup> St., Ste. 103  
Boise, ID 83702  
[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)  
[cmchugh@mchughbromley.com](mailto:cmchugh@mchughbromley.com)  
*Attorneys for the Cities of Bliss, Burley,  
Carey, Declo, Dietrich, Gooding, Hazelton,  
Heyburn, Jerome, Paul, Richfield, Rupert,  
Shoshone, and Wendell*

Robert L. Harris (ISB# 7018)  
HOLDEN KIDWELL HAHN & CRAPO,  
PLLC  
PO Box 50130  
Idaho Falls, ID 83405  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)  
[efiling@holdenlegal.com](mailto:efiling@holdenlegal.com)  
*Attorneys for City of Idaho Falls*

**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

**Case No. CV01-23-13238**

**UNOPPOSED MOTION TO  
MODIFY PROCEDURAL  
ORDER BRIEFING  
SCHEDULE**

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

COME NOW the Cities of Idaho Falls, Pocatello, Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (“Petitioners”), by and through their respective counsel of record, and respectfully submit this *Unopposed Motion to Modify Procedural Order Briefing Schedule* pursuant to I.A.R.34(d) and paragraph 10 of the Court’s *Procedural Order* dated August 17, 2023, and as grounds therefor, state as follows:

1. Counsel for Petitioners have conferred with counsel for all parties in this case, who have indicated either their support for or non-opposition to this motion.
2. Petitioners request that the Court modify the following deadlines described in paragraph 9 of the *Procedural Order*:

<b>Action</b>	<b>Original Deadline</b>	<b>Proposed Deadline</b>
Petitioners' opening brief filed	Nov. 2, 2023	Nov. 9, 2023
Respondents' (and cross-petitioner's) brief filed	Nov. 30, 2023	Dec. 14, 2023
Petitioners' reply brief filed	Dec. 21, 2023	Jan. 4, 2024

3. There is good cause to extend the briefing deadlines in this case, as counsel for both Petitioners and Respondents have professional conflicts with the original deadlines and the proposed deadlines will not prejudice any party.
4. This is the first request for an extension of time.
5. The modified briefing schedule will not necessitate a change in the Oral Argument date currently set for January 11, 2024.

WHEREFORE, Petitioners respectfully request the Court grant this *Unopposed Motion to Modify Procedural Order Briefing Schedule*.

DATED this 26th day of October 2023.


**MCHUGH BROMLEY, PLLC**

**HOLDEN KIDWELL HAHN & CRAPO,  
PLLC**

By: /s/ Candice M. McHugh  
 Candice M. McHugh (ISB #5908)  
 Chris M. Bromley (ISB #6530)  
*Attorneys for the Cities of Bliss, Burley,  
 Carey, Declo, Dietrich, Gooding,  
 Hazelton, Heyburn, Jerome, Paul,  
 Richfield, Rupert, Shoshone, and Wendell*

By: /s/ Robert L. Harris  
 Robert L. Harris (ISB #7018)  
*Attorneys for City of Idaho Falls*

**SOMACH SIMMONS & DUNN, P.C.**

By:   
\_\_\_\_\_  
Sarah A. Klahn (ISB #7928)  
Maximilian C. Bricker (ISB #12283)  
*Attorneys for City of Pocatello*

## CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2023, I served the foregoing document on the persons below via iCourt and email:

Clerk of the Court Jerome County District Court	iCourt
Director Mat Weaver Garrick Baxter Sarah Tschohl Idaho Department of Water Resources	<a href="mailto:mat.weaver@idwr.idaho.gov">mat.weaver@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a>
John K. Simpson Travis L. Thompson MARTEN LAW LLP	<a href="mailto:tthompson@martenlaw.com">tthompson@martenlaw.com</a> <a href="mailto:jsimpson@martenlaw.com">jsimpson@martenlaw.com</a> <a href="mailto:jnielsen@martenlaw.com">jnielsen@martenlaw.com</a>
W. Kent Fletcher FLETCHER LAW OFFICE	<a href="mailto:wkf@pmt.org">wkf@pmt.org</a>
Kathleen Marion Carr U.S. Dept. Interior	<a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</a>
David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Department of Justice	<a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a>
Matt Howard U.S. Bureau of Reclamation	<a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a>
Robert E. Williams WILLIAMS, MESERVY & LOTHSPREICH, LLP	<a href="mailto:rewilliams@wmlattys.com">rewilliams@wmlattys.com</a>
Randall D. Fife City Attorney City of Idaho Falls	<a href="mailto:rfife@idahofallsidaho.gov">rfife@idahofallsidaho.gov</a>
Corey Skinner IDWR-Southern Region	<a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a>
Tony Olenichak IDWR-Eastern Region	<a href="mailto:Tony.Olenichak@idwr.idaho.gov">Tony.Olenichak@idwr.idaho.gov</a>

Thomas J. Budge Elisheva M. Patterson RACINE OLSON, PLLP	<a href="mailto:tj@racineolson.com">tj@racineolson.com</a> <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a>
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC	<a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a> <a href="mailto:nolsen@olsentaggart.com">nolsen@olsentaggart.com</a> <a href="mailto:staggart@olsentaggart.com">staggart@olsentaggart.com</a>
Dylan Anderson Dylan Anderson Law	<a href="mailto:dylan@dylanandersonlaw.com">dylan@dylanandersonlaw.com</a>
<i>COURTESY COPY TO:</i> William A. Parsons PARSONS SMITH & STONE	<a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a>




---

Maximilian C. Bricker (ISB #12283)