

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**

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.

THE 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 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,

) Case No. CV01-23-13238  
)  
) **ORDER GRANTING**  
) **UNOPPOSED MOTION TO**  
) **MODIFY BRIEFING**  
) **SCHEDULE**

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 )  
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 Petitioners 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 28, 2023, the agency lodged the settled agency transcript and record with the Court. On October 19, 2023, the Petitioners 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 30, 2023, the Petitioners 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 Petitioners 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



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ERIC J. WILDMAN  
District Judge

## CERTIFICATE OF SERVICE

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

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Date: 10/3/2023

Trent Tripple  
Clerk of the Court

By Eric Rowell  
Deputy Clerk

