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*Attorneys for Petitioner South Valley Ground Water District and Galena Ground Water District*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT**

**OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

	)	CV07-21-00243
SOUTH VALLEY GROUND WATER	)	CASE NO. CV07-2021-_____
DISTRICT and GALENA GROUND WATER	)	
DISTRICT,	)	Fee Category: L.3.a
	)	\$221.00
Petitioners,	)	
	)	<b>PETITION FOR JUDICIAL</b>
vs.	)	<b>REVIEW, COMPLAINT FOR</b>
	)	<b>DECLARATORY RELIEF,</b>
THE IDAHO DEPARTMENT OF WATER	)	<b>TEMPORARY RESTRAINING</b>
RESOURCES and GARY SPACKMAN in his	)	<b>ORDER AND PRELIMINARY</b>
official capacity as Director of the Idaho	)	<b>INJUNCTION, OR</b>
Department of Water Resources,	)	

Respondents. ) **ALTERNATIVELY, WRIT OF**  
) **PROHIBITION**  
)  
)  
)  
\_\_\_\_\_)

COMES NOW, the Petitioners, SOUTH VALLEY GROUND WATER DISTRICT, on behalf of its members, by and through counsel of record, BARKER ROSHOLT & SIMPSON LLP and GALENA GROUND WATER DISTRICT, on behalf of its members, by and through counsel of record, LAWSON LASKI CLARK, PLLC (collectively “Petitioners”), and hereby submits this *Petition For Judicial Review, Complaint for Declaratory Relief, Writ of Prohibition, Temporary Restraining Order And Preliminary Injunction* (“Petition”) against the Idaho Department of Water Resources and Gary Spackman, in his official capacity as Director of the Idaho Department of Water Resources (collectively “IDWR” or “Department”). This Petition is supported by SVGWD’s *Memorandum in Support of Petition for Judicial Review, Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively, Writ of Prohibition, the Declaration of Travis L. Thompson, the Declaration of David B. Shaw, the Declaration of G. Erick Powell, the Declaration of SVGWD Chairman Kristy Molyneux*, and all exhibits and attachments thereto, all of which have been filed together with this Petition.

**PARTIES**

1. Petitioner South Valley Ground Water District is a ground water district organized and existing pursuant to Idaho Code § 42-5201 et seq. The district includes ground water right priorities ranging from the 1930s and 1940s until about 1989. Most of the ground water development, based on priorities, occurred between 1954 and 1979. There are approximately 175 groundwater wells in the district and approximately 300 groundwater rights. These rights authorize irrigation of approximately 25,000 acres. Some of these

groundwater rights are used to supplement surface water rights from the Big Wood River and Silver Creek and its tributaries. Petitioner's members have planted crops and forage that are presently receiving groundwater delivery for the 2021 irrigation pursuant to their water rights. *See* Ex. A of *Declaration of SVGWD Chairman Kristy Molyneux* ("SVGWD Decl.") (showing the location of the boundary of the South Valley Ground Water District).

2. Petitioner South Valley Ground Water District is organized and operates as a political subdivision of the state of Idaho pursuant to Idaho Code § 42-5224(6) and is authorized by law to represent district members with respect to their individual water rights in legal and administrative proceedings.
3. Petitioner Galena Ground Water District is a ground water district organized and existing pursuant to is a ground water district organized and existing pursuant to Idaho Code § 42-5201 et seq. This district has thirty-one (31) member water rights with approximately 10.5 CFS that are located within the Department's proposed curtailment area.
4. Petitioner Galena Ground Water District is organized and operates as a political subdivision of the state of Idaho pursuant to Idaho Code § 42-5224(6) and is authorized by law to represent district members with respect to their individual water rights in legal and administrative proceedings.
5. Respondent Gary Spackman is the Director of the Idaho Department of Water Resources and is an Idaho resident.
6. Respondent Idaho Department of Water Resources is an executive department existing under the laws of the state of Idaho pursuant to Idaho Code § 42-1701 et seq.
7. Petitioners file this action in its representative capacity on behalf of individual members who own decreed and licensed ground water rights that will be adversely affected by the

proposed administrative hearing and any resulting curtailment orders based upon the Director's May 4, 2021 *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing* ("Notice"). See Ex. I of *Declaration of Travis L. Thompson* ("Thompson Decl.").

### **JURISDICTION AND VENUE**

8. Jurisdiction is proper in this District Court pursuant to Idaho Code §§ 7-401 et seq. (writ of prohibition), 10-1201 (declaratory judgment), 67-5270 (judicial review), Idaho Rule of Civil Procedure 65 (injunctive relief), and its capacity to provide equitable relief.
9. This Court, sitting in Blaine County, is the proper venue for this matter pursuant to Idaho Code §§ 5-402 and 67-5272 because the Director's *Notice* and any resulting curtailment order affects real property located in Blaine County and because Petitioner's members reside in Blaine County.
10. Pursuant to the Idaho Supreme Court's Administrative Order issued on December 9, 2009, "all petitions for judicial review of any decision regarding administration of water rights from the Department of Water Resources shall be assigned to the presiding judge of the Snake River Basin Adjudication District Court of the Fifth Judicial District." The Snake River Basin Adjudication District Court's procedures instruct the clerk of the district court in which the petition is filed to issue a *Notice of Reassignment*. Petitioner has attached a copy of the SRBA District Court's *Notice of Reassignment* form for the convenience of the clerk.

### **ALLEGATIONS COMMON TO ALL COUNTS**

11. IDWR designated the Big Wood River Groundwater Management Area (BWRGWMA) on June 28, 1991. See Ex. R of *Thompson Decl.*

12. The order creating the groundwater management area included a “management policy,” but did not determine “an area of common ground water supply,” nor did it establish either a “reasonable groundwater pumping level” or a “reasonably anticipated rate of future natural recharge.” *See Id.*
13. Since designation of the groundwater management area, aquifer levels in the Big Wood River Basin have remained fairly stable and there is no evidence of aquifer mining. *See Ex. A of Thompson Decl.*
14. Two years later IDWR issued an *Amended Moratorium Order* affecting all applications for permit proposing a consumptive use of water within the trust water area.
15. Historically ground water rights in Basin 37 were not included within established water districts.
16. In 2013, IDWR proposed the combination of water districts within Basin 37. In its *Preliminary Order In the Matter of Proposed Combination of Water District Nos. 37 et al* (“*WD37 Order*”), the Department explained that, “The proposed combination of water districts and inclusion of surface water and ground water rights in one district will provide for proper conjunctive administration of surface and ground water rights and the protection of senior priority water rights. *See Ex. B of Thompson Decl. (“WD37 Order”) at 3* (emphasis added).
17. When groundwater rights were brought into WD 37, that decision was based on the Department’s representation that conjunctive administration would be managed under the Department’s Rules for Conjunctive Management of Surface and Ground Water Resources. *See IDAPA 37.03.11 et seq. (“CM Rules”).* Shortly after IDWR combined the various water districts and included ground water rights in WD 37, the Department

addressed conjunctive administration and the formation of ground water districts at a public meeting in Hailey, Idaho on March 7, 2014. At this meeting, the Department posed the question of whether groundwater pumping causes injury to surface water diversions. The Department stated that “Idaho has a process to address this question”. The Department represented to the water users within WD 37 that conjunctive administration was to follow the CM Rules authorized by Idaho Code § 2-604, with a senior filing a petition, the Director determining “material injury,” and a contested case that would be expected to last a year or more. *See Ex. C of Thompson Decl.*

18. On February 23, 2015, less than a year after IDWR’s presentation, members of the Big Wood and Little Wood River Water Users Association (“Association”) submitted letters to the Director requesting priority administration. *See Ex. D of Thompson Decl. (“Memorandum Decision and Order”).*
19. The Director created contested cases and proceeded to consider the Association’s request for conjunctive administration or delivery call under CM Rule 40.
20. Sun Valley Company (SVC) moved to dismiss the calls for the Association’s failure to comply with the procedure of CM Rule 30.
21. On appeal, the District Court set aside the Director’s decision to proceed under CM Rule 40 and remanded the case for proceedings consistent with the *Memorandum Decision and Order*, finding, *inter alia*, that because there was no defined “area of common ground water supply” IDWR was required to process the delivery call under CM Rule 30.
22. The Court further found that the determination of an “area of common ground water supply” had to be determined pursuant to CM Rules 30 and 31 with proper notice and service to all potential junior priority ground water right holders that might be affected.

23. On March 6, 2017, the Association filed a *Petition for Administration* with IDWR for WD 37. This petition was dismissed on standing grounds because the Association had no authority to present the claims of the individual water right holders. The Director also pointed out to the water users that CM Rules 30 and 42 require submittal of specific information unique to each individual senior surface water right holder, including water right numbers, delivery systems, beneficial use, and alternate water supplies. Neither the Association nor the water users attempted to follow up on this direction.
24. In the fall of 2020 at the request of groundwater and surface water users, IDWR appointed an advisory committee for the Big Wood River Basin Groundwater Management Area.
25. At the April 7, 2021 meeting the Director told the groundwater and surface water users both that their proposals for 2021 were either inadequate or unreasonable. He further stated that he had asked the Attorney General's office to explore his legal options.
26. At the April 15, 2021 advisory committee meeting, the Director stated that he was "ready to act" and warned groundwater users that they may be required "to reduce pumping much more than the amounts identified by the groundwater districts." Association member stated at this meeting that they had been working with the Water Master to develop an injury determination, but had determined to reject the water masters' proposed conclusions. After the Director's pronouncement, the Association rejected the proposal from the ground water users.
27. The Association members have demanded conjunctive administration but have not filed a delivery call with the IDWR that complies with the requirements of CM Rule 30.
28. On May 4, 2021 the Director issued a *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing*. The Director stated that he "believes that the withdrawal of

water from ground water wells in the Wood River Valley south of Bellevue (commonly referred to as the Bellevue Triangle) would affect the use of senior surface water rights on Silver Creek and its tributaries during the 2021 irrigation season.” *Notice* at 1 (emphasis added).

29. The attached cover letter to the *Notice* stated, in part, that “the Director of the Department has initiated an administrative proceeding to determine if the surface water rights in the Little Wood-Silver Creek drainage will be injured in the 2021 irrigation season by pumping from junior-priority ground water rights in the Wood River Valley south of Bellevue.” While the cover letter purports to address conjunctive administration of surface water rights in the “Little Wood” drainage, the formal *Notice* was limited to impacts to “senior surface water rights on Silver Creek and its tributaries.”
30. The *Notice* included a service list of some 40 pages of addresses. *See Thompson Decl.* ¶ 28. These addressees were all selected by the Director and/or the Department, just as the Notices were selected in the 2015 delivery call proceedings. The original service list contained mistakes. As a result, IDWR created a new service list with the correct addresses and re-mailed the *Notice* out on May 7, 2021. Several members of Petitioner did not receive the *Notice* until the week of May 10<sup>th</sup> – 14<sup>th</sup>, 2021.
31. The *Notice* does not identify which surface or groundwater water rights are affected or by how much. The *Notice* attached a map described as “potential area of curtailment” but did not explain how the area was arrived at by the Director. The *Notice* provides no indication of or reference to any injury standard, including “material injury” under the CM Rules (Rule 42).

32. The *Notice* only references potential impacts on “senior surface rights on Silver Creek and its tributaries during the 2021 irrigation season.”
33. The *Notice* makes no reference whatsoever to senior surface water rights on the Little Wood or Big Wood Rivers.
34. On May 11, 2021, the Director issued a *Request for Staff Memorandum*, requesting information regarding sixteen different subjects and subparts. *See* Ex. N of *Thompson Decl.*
35. In response to the Director’s request, IDWR posted four different staff reports on its website. *Thompson Decl.*, ¶ 23. The reports total over 150 pages. Although the Director requested staff to provide this information “on or before May 17, 2021,” the reports were not posted online until the afternoon of May 18, 2021. A file containing what was described as back up information for Jennifer Sukow’s report was dated May 17, 2021, but it was not posted to the website under the late afternoon of May 19, 2021. The original file with background information was corrupt and the correct information was not made available to counsel for Petitioner until late in the morning on May 21, 2021. The reports have not been formally served on any participant in the administrative proceeding.
36. As of May 21, 2021, at least forty-one (41) individuals and entities have filed notices of intent to participate in the administrative proceeding. *See* Ex. T to *Thompson Decl.* Information contained in the Staff Reports addresses ground and surface water use beyond the Silver Creek area identified in the *Notice*, including the Big Wood River, and groundwater use outside the area of proposed curtailment attached to the *Notice*, it is unclear what water rights will be affected by the proceeding, including any resulting curtailment orders. Despite only identifying the “Bellevue Triangle” and “senior surface

water rights to Silver Creek and its tributaries,” the information contained in the Staff Reports goes far beyond that limited designation and notice.

37. On May 13, 2021 Petitioner South Valley Ground Water District filed the following with the Director: 1) *Motion to Dismiss*; 2) *Motion for Continuance*; 3) *Motion to Appoint Independent Hearing Officer*; 3) *Motion for Order Authorizing Discovery*; and 4) *Request for Production*. The Director has denied the first three motions, authorized limited discovery, and has not responded to the requests for production or given any indication when the Department might respond. *Thompson Decl.*, ¶¶ 18-20.
38. On May 19, 2021 Petitioner Galena Ground Water District filed a Joinder in and Support of South Valley Ground Water District’s Motions.
39. In denying the *Motion for an Independent Hearing Officer* the Director admitted that what he intends to do in this proceeding is “water right administration” and further admitted that this proceeding “is the first time that the Director has sought to invoke Idaho Code §42-237a.g for water right administration” in the 60 years since the Groundwater Act was passed by the legislature. *See Ex. P of Thompson Decl.* at 2.
40. On May 22, 2021, Petitioner South Valley Ground Water District moved the Director to designate his dismissal of Petitioner’s *Motion to Dismiss* as final under the Idaho Administrative Procedure Act. *See Thompson Decl.*, ¶ 24.
41. On May 24, 2021 the Director held a pre-hearing conference.
42. During the pre-hearing conference, “from the table,” the Director denied Petitioner’s motion to designate his dismissal of Petitioner’s *Motion to Dismiss* as final; the Director issued a written dismissal later on May 24, 2021. *See Ex. T of Thompson Decl.*; *see also Thompson Decl.*, ¶ 25.

**COUNT I**  
**PETITION FOR JUDICIAL REVIEW**

43. This matter concerns the Director's *Notice*, proposed hearing, denial of Petitioner's motion to dismiss, and denial of Petitioner's motion to continue the administrative proceeding.
44. Petitioners seek judicial review of the Director's actions in excess of his authority and in violation of Petitioners' constitutional right to due process.
45. Petitioners are entitled to judicial review of this matter because the following exceptions to the exhaustion doctrine are present:
- a. The Director's *Notice* attempts to take actions which are in violation of the IDWR's constitutional or statutory provisions;
  - b. The Director's *Notice* attempts to take actions in excess of the statutory authority of the agency;
  - c. The Director's *Notice* attempts to proceed upon unlawful procedures because the Director is obligated to proceed under CM Rules procedures;
  - d. The Director's *Notice* attempts to proceed upon unlawful procedures because the procedure provided does not provide adequate time for Petitioner to respond;
  - e. The Director's proposed procedure is arbitrary, capricious, or an abuse of discretion; and,
  - f. The Director's denial of SVGWD's *Motion to Dismiss, Motion to Appoint Independent Hearing Officer, and Motion for Continuance* was arbitrary, capricious, or an abuse of discretion.
46. Petitioners have exhausted all administrative remedies and have a right to immediate judicial review pursuant to I.C. §§ 67-5270(2) and 67-5271(2) as a final agency action in this matter will not provide an adequate remedy.

**JUDICIAL REVIEW I.R.C.P. 84(c) INFORMATION**

47. **Name of Agency for Which Judicial Review is Sought:** Idaho Department of Water Resources, an executive department existing under the laws of the state of Idaho pursuant

to Idaho Code § 42-1701 et seq., with its state office located at 322 E. Front St., Boise, Ada County, Idaho 83720.

48. **Title of District Court to Which Petition is Taken:** In the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine.
49. **Case Caption and Action for Which Judicial Review is Sought:** In the Matter of Basin 37 Administrative Proceeding; Docket No. AA-WRA-2021-001.
50. **Hearing Recording:** A pre-hearing conference was held on May 24, 2021, which was recorded by the Department and is in the Department's possession (c/o Kris Margheim, 322 E. Front St., Boise, Ada County, Idaho 83720). The audio recording is in the Department's possession.
51. **State of Issues of Judicial Review:** Whether the Director erred in proceeding with conjunctive administration in Basin 37 without following the CM Rules; whether the Director exceeded his statutory authority for conjunctive administration; whether the Director violated the due process rights of Petitioner in his *Notice* and proposed hearing; additional issues identified below in other counts.
52. **Designation of Whether a Transcript is Required:** No transcript is requested.
53. **Attorney Certification:** I, Albert P. Barker, counsel for the Petitioner, certify the following: 1) service of this petition has been made upon the Department; and 2) that I attempted to contact Garrick Baxter regarding paying estimated costs for the preparation of the record. I have not heard back from Mr. Baxter but expect to tomorrow and then our office will pay the estimated fee by hand delivering a check for the amount to the Department's state office located at 322 E. Front St., Boise, Idaho 83720.

**COUNT II**  
**REQUEST FOR DECLARATORY RELIEF:**

**IDWR IS WITHOUT AUTHORITY TO EMPLOY THE ADMINISTRATIVE  
PROCEEDING AND PROCESS PROPOSED IN THE NOTICE**

54. Idaho's Rules for Conjunctive Management of Surface and Ground Water Resources are the tools by which to determine how the various ground and surface water sources are interconnected, and, how, when, where and to what extent the diversion and use of water from one source impacts others.
55. The CM Rules integrates all elements of the prior appropriation doctrine as established by Idaho law.
56. All hydrologically connected surface and ground waters in Idaho must be managed conjunctively.
57. IDWR cannot conjunctively administer surface and ground water rights without first determining an "area of common ground water supply."
58. The CM Rules delineates the process to determine "areas of common ground water supply."
59. Conjunctive administration of junior ground water and senior surface water rights must proceed under the CM Rules.
60. IDWR's *Notice* is an attempt to initiate administration of ground water rights in the Bellevue Triangle area of Basin 37 outside the mandated structure and procedure of the CM Rules.
61. IDWR seeks authority to administer, specifically to curtail ground water diversions, in this area under Idaho Code §42-237a.g.

62. Idaho Code §42-237a.g authorizes IDWR to prohibit ground water diversions in *only* two scenarios: 1) where pumping is found to cause material injury; or, 2) to prevent aquifer mining.
63. IDWR purports to act in this situation because of possible material injury to senior right holders by junior ground water use. The inquiry into material injury follows a three-part test: IDWR has skipped steps 1 and 2. Additionally, IDWR has failed to propose a management plan “in advance of the irrigation season.”
64. Idaho Code §42-237a.g does not authorize IDWR to unilaterally administer ground water rights in the present case, and IDWR has failed to employ the proper CM Rules procedure for administration of ground water.
65. Because of IDWR’s lack of authority, and its failure to employ proper procedure, any action taken pursuant to the *Notice* will be without a valid legal basis.
66. Any curtailment order issued as a result of the *Notice* and its proceedings will be legally insufficient.
67. Any curtailment order issued as a result of the *Notice* and its proceedings will result in immediate, irreparable and direct harm to Petitioner.

**COUNT III**  
**REQUEST FOR DECLARATORY RELIEF:**

**IDWR’S PROPOSED ADMINISTRATIVE PROCEDURE VIOLATES SVGWD’S DUE  
PROCESS RIGHTS**

68. Petitioners re-allege and incorporate the preceding paragraphs by reference as though set forth fully.
69. Water rights are real property rights that come with entitlements to due process before they are administered, curtailed, or taken.

70. Procedural due process requires IDWR provide a process so that an individual is not arbitrarily deprived of his or her rights.
71. Idaho law clearly prescribes the proper process to be used in the administration or curtailment of ground water rights.
72. Proper process requires the application and use of the CM Rules.
73. The Director has initiated proceedings that do not follow, or satisfy the procedural requirements and safe-guards provided in the CM Rules.
74. The Director's truncated hearing schedule does not provide SVGWD an adequate time to prepare for a hearing such that SVGWD will have the opportunity to be heard in a meaningful manner
75. The Director's truncated hearing schedule does not provide adequate time for discovery and creates a substantial risk of an erroneous deprivation.
76. The Director has failed to follow the proper, prescribed procedures for administration and curtailment of water rights in Basin 37.
77. The Director's procedural violation deprives SVGWD of a meaningful opportunity to be heard and to participate in process to take its members' water rights.
78. The Director's procedural violation creates a likelihood that SVGWD members are erroneously deprived of their water rights, and immediate, irreparable, and direct harm will occur.

**COUNT IV**  
**PRELIMINARY INJUNCTION**

79. Petitioners re-allege and incorporates the preceding paragraphs by reference as though set forth fully herein.

80. IDWR is proceeding with an administrative process which is in excess of its statutory authority and in violation of Idaho Code § 42-237a.g and IDAPA 37.03.01.
81. Petitioners have no other adequate remedy at law.
82. IDWR's proposed administrative process will result in the deprivation of Petitioners' due process rights.
83. If permitted, IDWR's proposed administrative proceedings will cause Petitioners immediate and irreparable harm by:
  - a. Causing the unlawful curtailment of ground water rights;
  - b. Causing the destruction of already planted crops;
  - c. Causing the death and destruction of livestock;
  - d. Causing grave economic loss to Petitioner.
84. If permitted, IDWR's proposed administrative proceedings will cause Petitioners additional irreparable harm by depriving them of their property right to divert ground water essential to its lawful agricultural and beneficial uses.
85. The economic impact of proposed curtailment could approach a loss of \$12 million to Petitioners, in addition to substantial economic loss to the surrounding communities and the State of Idaho, for which there is no adequate remedy at law.
86. Based on the foregoing and pursuant to I.R.C.P. 65, Petitioners and its ground water user members are entitled to the entry of a Temporary Restraining Order pending hearing and, following hearing, a Preliminary Injunction precluding IDWR from further action pursuant to its *Notice*, from unlawful curtailment of Petitioners' ground water rights, and ordering IDWR to maintain the status quo and prevent irreparable harm and injury during the pendency of this action.

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**COUNT V**  
**WRIT OF PROHIBITION**

87. Petitioners re-allege and incorporates the preceding paragraphs by reference as though set forth fully.
88. The Director's *Notice*, and the hearing and procedure which it seeks to pursue, exceeds IDWR's statutory authority.
89. The Director's *Notice*, and the hearing and procedure which it seeks to pursue, violates SVGWD's due process rights
90. Petitioners lack a plain, speedy, and adequate remedy in the ordinary course of law, which would protect them from the immediate resulting harm if IDWR proceeds with its current procedure to administer and curtail ground water rights in Basin 37.
91. Pursuant to Idaho Code §§ 7-401 *et seq.*, Petitioners are entitled to a writ of prohibition that restrains IDWR from further proceedings pursuant to its *Notice* until further order from the Court.

**REQUEST FOR ATTORNEYS' FEES AND COSTS**

92. IDWR's proposed actions are without reasonable basis in law or fact.
93. Petitioners have retained counsel to prosecute this action on its behalf and request that the Court award them reasonable attorneys' fees and costs pursuant to Idaho Code §§ 12-117, 12-120, and 12-121, or other applicable law.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners request the following relief:

- A. Grant Petitioners' request for judicial review over IDWR's *Notice* and proposed administrative proceeding, including denial of SVGWD's *Motion to Dismiss*.

- B. For the entry of a Declaratory Judgment that the Director is without authority to unilaterally conjunctively administer ground water rights in Basin 37 without following and applying the procedures set forth in the CM Rules.
- C. For the entry of a Declaratory Judgment that the Director's proposed administrative process is improper, will violate Petitioners' right to due process rights, and will cause immediate, irreparable, direct harm that is a taking.
- D. For the entry of a Writ of Prohibition restraining Defendants from continuing with the administrative proceeding and issuing any resulting curtailment orders against Petitioners and its members based on the procedure proposed in the *Notice*.
- E. For the immediate entry of a Temporary Restraining Order restraining Defendants from continuing with the administrative proceeding issuing any curtailment order pursuant to the procedure proposed in the *Notice* and from proceeding under the *Notice's* hearing schedule.
- F. For the issuance of an order compelling Defendants to appear and show cause why a Preliminary Injunction should not be issued enjoining Defendants from continuing with the administrative proceeding and issuing any resulting curtailment order pursuant to the procedure proposed in the *Notice* and from proceeding under the *Notice's* hearing schedule, and to maintain the status quo and prevent irreparable hard and injury to Petitioners during the pendency of this action.
- G. For the entry of an Order awarding attorneys' fees and costs.
- H. For such further relief as the Court determines is just and proper under the circumstances.

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//Signature page to follow//

DATED this 24<sup>th</sup> day of May, 2021.

BARKER ROSHOLT & SIMPSON LLP

/s/ ALBERT P. BARKER

Albert P. Barker

*Attorneys for South Valley Ground Water  
District*

LAWSON LASKI CLARK, PLLC

/s/ HEATHER E. O'LEARY

Heather E. O'Leary

*Attorneys for Galena Ground Water District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of May, 2021, the foregoing was filed, served, and copied as shown below.

IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. Box 83720  
Boise, ID 83720-0098  
Hand delivery or overnight mail:  
322 East Front Street  
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U. S. Mail  
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/s/ Albert P. Barker  
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