

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

SOUTH VALLEY GROUND WATER
DISTRICT and GALENA GROUND WATER
DISTRICT,

Petitioners,

vs.

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

Respondents.

CASE NO. CV07-2021-00243

**ORDER GRANTING JOINT MOTION
TO STAY COUNT I AND DISMISS
REMAINING COUNTS WITHOUT
PREJUDICE**

On May 24, 2021, South Valley Ground Water District and Galena Ground Water District ("Petitioners") filed *Petition for Judicial Review, Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively Writ of Prohibition*, filed in this proceeding ("*Petition*"). The first count of the *Petition* is a petition for judicial review, pursuant to the applicable provisions of the Idaho Administrative Procedures Act, Idaho Code §§ 67-5270—67-5279, of certain actions taken by the Director of the Idaho Department of Water Resources in an administrative proceeding pending before the Department under Docket No. AA-WRA-2021-001. Counts II through V of the *Petition* allege other causes of action regarding the Director's actions in the pending administrative proceeding. The Petitioners also filed an *Application for Temporary Restraining Order* restraining the Director from proceeding with the administrative hearing and issuing any curtailment orders pending a hearing on the Petitioners' request for a preliminary injunction.

Order Granting Joint Motion to Stay Count I and
Dismiss Remaining Counts Without Prejudice - 1

On May 27, 2021, this Court issued the *Order Denying Application for Temporary Restraining Order*. On May 28, 2021, the Respondents filed a motion to dismiss the *Petition*.¹ Subsequently, the Petitioners and Respondents stipulated to a stay of all further proceedings on Count I of the *Petition* pending issuance of a final order in the administrative proceeding, and to dismissal without prejudice of the remaining counts of the *Petition*. *Stipulation and Joint Motion to Stay Petition for Judicial Review and Dismiss Without Prejudice Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively Writ of Prohibition* (“*Stipulation and Joint Motion*”). The *Stipulation and Joint Motion* reserves the Petitioners’ rights to seek amendment of the *Petition* to add additional counts and requests for relief to the *Petition* depending on the progress or outcome of the administrative proceeding, and also reserves the Respondents’ rights to oppose such amendments or seek dismissal of any additional counts or requests for relief. *Id.* The *Stipulation and Joint Motion* requests that this Court issue an order staying further proceedings on Count I of the *Petition*, and dismissing without prejudice Counts II through V of the *Petition*, in accordance with the parties’ stipulation. *Id.*

The decision of whether to grant a stay of judicial proceedings pending the resolution of a related administrative proceeding is a matter vested in the sound discretion of the district court. *See Cont’l Cas. Co. v. Brady*, 127 Idaho 830, 834, 907 P.2d 807, 811 (1995). In this case the parties have agreed that proceedings in this Court on Count I should be stayed pending issuance of a final order in the administrative proceeding, and that the remaining Counts should be

¹ The full title of the Respondents’ motion is *Respondents’ Motion to Dismiss Petition for Judicial Review, Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively Writ of Prohibition*.

dismissed without prejudice. The *Stipulation and Joint Motion* reserves all of the parties' respective rights regarding any request to amend the *Petition* in the future to re-assert the dismissed Counts, or to add new causes of action or claims for relief once a final order has been issued. The Court finds that there is good cause to approve and grant the *Stipulation and Joint Motion*, and will do so in an exercise of its discretion.


THEREFORE, AND BASED ON THE FOREGONG, THE FOLLOWING ARE
HEREBY ORDERED:

1. All proceedings in this Court on or related to Count I of the *Petition* are stayed pending issuance of a final order in the administrative proceeding pending before the Department under Docket No. No. AA-WRA-2021-001.

2. Counts II through V of the *Petition* are dismissed without prejudice.

IT IS SO ORDERED.

6/9/2021 8:55:25 AM
DATED this _____ day of June, 2021.



ERIC J. WILDMAN
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this June 10, 2021, 2021, I caused to be served a true and correct copy of the foregoing document by ICourts e-filing delivery to each party listed as following:

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CLERK OF THE COURT