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**DISTRICT COURT OF THE STATE OF IDAHO
FIFTH JUDICIAL DISTRICT
JEROME COUNTY**

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioner,

vs.

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

Respondents.

Case No. CV27-22-00945

**IGWA’S BRIEF IN SUPPORT OF
MOTION TO EXPEDITE BRIEFING
SCHEDULE**

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

IN THE MATTER OF IGWA’S
SETTLEMENT AGREEMENT
MITIGATION PLAN

Idaho Ground Water Appropriators, Inc. (IGWA) submits this brief pursuant to I.R.C.P. 84(o) in support of *IGWA's Motion to Expedite Briefing Schedule* filed herewith.


This case involves a petition for judicial review of two orders (a final order and an order on reconsideration thereof) issued by the Director of the Idaho Department of Water Resources that adjudicated IGWA's obligations under the IGWA-SWC Settlement Agreement, increased the amount of mitigation for which IGWA's members are responsible, and found certain IGWA members in breach of the Agreement. IGWA's *Petition for Judicial Review* challenges the Director's decision because the Director (a) exceeded his statutory authority; (b) violated IGWA's constitutional right of due process, the Idaho Administrative Procedures Act, and Department rules of procedure; (c) failed to follow Idaho law governing contract interpretation; (d) violated constitutional and statutory provisions and acted in a manner that was arbitrary, capricious, and/or an abuse of discretion; and (e) made findings of fact based on information that is not found in the agency record.

Should this court set aside the Director's orders for any reason, subsequent proceedings will be needed to definitively adjudicate IGWA's obligations under the IGWA-SWC Settlement Agreement. It is important that such proceedings be completed prior to commencement of the 2023 irrigation season so that IGWA's members know the extent of their mitigation obligations in 2023. Therefore, IGWA respectfully requests that this Court's judicial review of the Director's orders be expedited to allow sufficient time for subsequent proceedings if needed.

IGWA's Motion to Expedite Briefing Schedule is set for hearing on November 21, 2022. IGWA respectfully requests that a briefing schedule be set at that hearing that will provide for all briefs to be filed and oral argument to be held by the end of January, 2023.


DATED this 1st day of November, 2022.

RACINE OLSON, PLLP

By: 
Thomas J. Budge
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2022, I served the foregoing document on the persons below via email or as otherwise indicated:


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