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*Attorneys for Big Wood & Little Wood Water Users Association and Big Wood Canal Company*

**BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR  
PERMITS FOR THE DIVERSION AND USE  
OF SURFACE AND GROUND WATER  
WITHIN THE SNAKE RIVER BASIN

IN THE MATTER OF BIG WOOD RIVER  
GROUND WATER MANAGEMENT AREA

**BIG WOOD & LITTLE WOOD WATER  
USERS ASSOCIATION AND BIG WOOD  
CANAL COMPANY'S RESPONSE TO  
CITIES' MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

COMES NOW, the BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION, as the representative of its individual parties to the above-entitled matter, by and through its attorneys of record, Jerry R. Rigby and Chase T Hendricks of RIGBY, ANDRUS & RIGBY LAW, PLLC, and the BIG WOOD CANAL COMPANY, by and through its attorneys of record, FLETCHER LAW

**BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION AND BIG WOOD  
CANAL COMPANY'S RESPONSE TO CITIES' MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

OFFICE, hereby submit this brief in concurrence with the Surface Water Coalition's ("SWC") *Response to the Cities' Motion for Partial Summary Judgment*. BWLWWUA and BWCC adopt and incorporate by reference the arguments and analysis presented by the SWC, underscoring the critical points that refute the Cities' claims and justify the denial of the Cities' *Motion for Summary Judgment*. Furthermore, BWLWWUA and BWCC join in support of SWCs request that the Hearing Officer should grant summary judgment to the nonmoving party on the issue regarding: “[a]pplications for municipal use and domestic use from community water systems shall be considered fully consumptive.”

### **CONCLUSION**

BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION and the BIG WOOD CANAL COMPANY request the Hearing Officer deny the *Motion for Partial Summary Judgment* filed by the Cities and grant the SWCs request as the non-moving party for summary judgment that the terms of the Director’s moratorium orders requiring that all new municipal and domestic community well uses shall be considered fully consumptive and that such new uses fully mitigate for full consumption of that water right as that is consistent with and required by Idaho law and well within the discretion of the Director.

Dated this 13<sup>th</sup> day of September 2023.

/s/ JERRY R. RIGBY  
JERRY R. RIGBY



CHASE T HENDRICKS

*Attorneys for Big Wood & Little Wood Water  
Users Association*

/s/ W. KENT FLETCHER  
W. KENT FLETCHER

*Attorney for Big Wood Canal Company*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of September 2023, the above and foregoing, was served by the method indicated below, and addressed to the following:

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**BIG WOOD & LITTLE WOOD WATER USERS ASSOCIATION AND BIG WOOD CANAL COMPANY’S RESPONSE TO CITIES’ MOTION FOR PARTIAL SUMMARY JUDGMENT**

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