

Thomas J. Budge (ISB# 7465)
Elisheva M. Patterson (ISB# 11746)
RACINE OLSON, PLLP
201 E. Center St. / P.O. Box 1391
Pocatello, Idaho 83204
(208) 232-6101 – phone
(208) 232-6109 – fax
tj@racineolson.com
elisheva@racineolson.com

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR ADA COUNTY**

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioner,

vs.

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

Respondents,

vs.

AMERICAN FALLS RESERVOIR DISTRICT
#2, MINIDOKA IRRIGATION DISTRICT,
A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, TWIN FALLS CANAL
COMPANY, 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, CITY OF
WENDELL, BONNEVILLE-JEFFERSON
GROUND WATER DISTRICT, and the
BINGHAM GROUND WATER DISTRICT,

Intervenors.

Case No. CV01-23-13173

**STIPULATED
MOTION FOR STAY**

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

Petitioner Idaho Ground Water Appropriators, Inc. (“IGWA”), Respondents Mathew Weaver and the Idaho Department of Water Resources (“IDWR”), and the Intervenor American Falls Reservoir District No. 2, Minidoka Irrigation District, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company (the “SWC”), Bonneville-Jefferson Ground Water District and Bingham Ground Water District (“Ground Water Districts”), Cities of Bliss, Burley, Carey, Delco, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (collectively, “Coalition of Cities”), and City of Pocatello, hereby move this Court for an order staying the appeal in the above-captioned matter. This *Stipulated Motion to Stay* is requested pursuant to a 2024 Stipulation between IGWA and the SWC to allow for negotiations between the parties concerning the SWC delivery call, as identified in IDWR Docket No. CM-DC-2010-001, and the parties’ stipulated 2016 mitigation plan (“2016 Plan”), as identified in IDWR Docket No. CM-MP-2016-001.

In light of the 2024 Stipulation, which requires the parties to “stay all litigation between them related to the SWC delivery call [and 2016 Plan] until October 1, 2024” to “enable the parties to focus their attention on cooperative negotiations [in an effort to determine groundwater management and mitigation measures for 2025 and future years],” and for the purpose of judicial economy, the parties to this proceeding request that this Court stay all proceedings in the above-captioned matter, including staying any response deadline, should the Court order a response deadline, to IGWA’s Petition for Rehearing filed June 21, 2024, and IGWA’s Brief in Support of Petition for Rehearing, filed July 3, 2024. While Respondents IDWR and Mathew Weaver and Intervenor Coalition of Cities and City of Pocatello are not parties to the 2024 Stipulation, they

consent to a stay. The parties reserve all rights with respect to this case and pending requests, and nothing in this motion or the terms of the stay shall be used against any party in any future proceedings.

The parties request that this matter remain stayed until October 1, 2024, after which time the parties will either (1) stipulate to dismissal of the above-captioned matter, or (2) will file a notice with the Court asking the Court to move forward with considering the pending petition for rehearing.

RACINE OLSON, PLLP

June 28, 2024

Date

/s/ Thomas J. Budge

Thomas J. Budge

Attorneys for Petitioner Idaho Ground Water Appropriators, Inc. (IGWA)

OFFICE OF THE ATTORNEY GENERAL

July 3, 2024

Date

/s/ Garrick L. Baxter

Garrick L. Baxter

Deputy Attorney General

Attorneys for Respondents Idaho Department of Water Resources and Mathew Weaver, in his capacity as Director of the Department of Water Resources

MCHUGH BROMLEY, PLLC

July 1, 2024

Date

/s/ Candice M. McHugh

Candice M. McHugh

Chris M. Bromley

Attorneys for Intervenor Coalition of Cities

SOMACH SIMMONS & DUNN

July 2, 2024

Date

/s/ Maximilian C. Bricker

Sarah A. Klahn

Maximilian C. Bricker

Attorneys for Intervenor City of Pocatello

OLSEN TAGGART PLLC

July 2, 2024

Date

/s/ Skyler C. Johns

Skyler C. Johns

*Attorneys for Intervenor Bonneville-Jefferson
Ground Water District*

DYLAN ANDERSON LAW PLLC

July 2, 2024

Date

/s/ Dylan Anderson

Dylan Anderson

*Attorneys for Intervenor Bingham Ground Water
District*

FLETCHER LAW OFFICE

July 2, 2024

Date

/s/ W. Kent Fletcher

W. Kent Fletcher

*Attorneys for Intervenors American Falls
Reservoir District No. 2 and Minidoka Irrigation
District*

MARTEN LAW LLP

July 2, 2024

Date

/s/ Travis L. Thompson

Travis L. Thompson

*Attorneys for Intervenors A&B Irrigation District,
Burley Irrigation District, Milner Irrigation
District, North Side Canal Company, and Twin
Falls Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2024. I filed the foregoing document via iCourt and served it upon the persons below via iCourt:


Thomas J. Budge

Clerk of the Court ADA COUNTY DISTRICT COURT	iCourt
Garrick L. Baxter Kayleen Richter Sarah Tschohl Deputy Attorney General Idaho Department of Water Resources garrick.baxter@idwr.idaho.gov Kayleen.richter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov	iCourt
Dylan Anderson DYLAN ANDERSON LAW PO Box 35 Rexburg, Idaho 83440 dylan@dylanandersonlaw.com	iCourt
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC 1449 E 17th St, Ste A PO Box 3005 Idaho Falls, ID 83403 sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com icourt@olsentaggart.com mcastro@olsentaggart.com	iCourt

<p>John K. Simpson Travis L. Thompson MARTEN LAW P. O. Box 63 Twin Falls, ID 83303-0063 tthompson@martenlaw.com jsimpson@martenlaw.com jnielsen@martenlaw.com</p>	<p>iCourt</p>
<p>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org brd@pmt.org</p>	<p>iCourt</p>
<p>Sarah A Klahn Maximilian Bricker SOMACH SIMMONS & DUNN 2033 11th Street, Ste 5 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com</p>	<p>iCourt</p>
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83702 cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>	<p>iCourt</p>