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

**DISTRICT COURT OF THE STATE OF IDAHO
FOURTH JUDICIAL DISTRICT
ADA COUNTY**

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioner,

vs.

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

Respondents,

and

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,

Case No. CV01-23-13173

**DECLARATION OF COUNSEL IN
SUPPORT OF UNOPPOSED MOTION
TO SET BRIEFING SCHEDULE AND
MODIFY ORAL ARGUMENT SETTING**

BONNEVILLE-JEFFERSON GROUND
WATER DISTRICT, and BINGHAM
GROUND WATER DISTRICT,

Intervenors.

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY OR 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

I, Elisheva M. Patterson, declare the following:


- 1) I am an attorney representing Petitioner Idaho Ground Water Appropriators, Inc. (“IGWA”) in the above-captioned matter.
- 2) Pursuant to this Court’s August 16, 2023 *Procedural Order*, the Petitioner’s opening brief was due within 35 days of the lodging of the settled transcript and record with the district court. The settled transcript and record were lodged with the district court on September 27, 2023, meaning that IGWA’s opening brief was due November 1, 2023.
- 3) On October 27, 2023, Petitioner filed an *Unopposed Motion to Modify Briefing Schedule*, which the Court granted on October 31, 2023.
- 4) Pursuant to the October 27, 2023, Unopposed Motion, after the Court issued its decision on Petitioner’s *Motion to Augment Agency Record or Present Additional Evidence* the Petitioners and the parties coordinated on a new briefing schedule, based upon the Court’s open hearing dates supplied at the November 9, 2023 hearing.
- 5) The parties have conferred and stipulated via email to the following proposed briefing schedule and new oral argument hearing date:
 - a. Petitioner’s Opening Brief due December 8, 2023;
 - b. Respondent/Intervenor’s Response due January 12, 2024;
 - c. Petitioner’s Reply due February 2, 2024;
 - d. Oral arguments on February 22, 2024.

- 6) There is good cause to grant the *Unopposed Motion to Set Briefing Schedule and Modify Oral Argument Setting* because the previously granted Unopposed Motion vacated the *Procedural Order* briefing schedule but did not reset them.
- 7) As explained above, Petitioner has requested one extension, which did not set new briefing schedule but only vacated the dates pending a decision from the Court on Petitioner's Motion to Augment. Other than the October 31, 2023 vacation of the briefing schedule, no other extensions have been requested or granted. No resetting of the oral argument hearing has been previously requested or granted.
- 8) The parties to the above-captioned matter were consulted regarding this motion and all parties agree to the proposed briefing schedule.
- 9) Petitioners assure the Court that they will meet the proposed deadlines. The parties are known entities to the Court, having brought judicial review before it numerous times in the past. To the best of my knowledge all parties have complied with the Court's deadlines and have submitted briefs timely.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated this 13th day of November, 2023.

RACINE OLSON, PLLP

By: 
Elisheva M. Patterson
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2023, I served the foregoing document on the persons below via iCourt.



Elisheva M. Patterson

Clerk of the Court ADA COUNTY DISTRICT COURT
Director Mathew Weaver Garrick Baxter Sarah Tschohl IDAHO DEPT. OF WATER RESOURCES
John K. Simpson Travis L. Thompson MARTEN LAW
W. Kent Fletcher FLETCHER LAW OFFICE
Kathleen Marion Carr U.S. DEPT. INTERIOR
David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. DEPT. OF JUSTICE
Matt Howard U.S. BUREAU OF RECLAMATION
Sarah A Klahn SOMACH SIMMONS & DUNN
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