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

VEOLIA WATER IDAHO, INC., an Idaho
corporation,

Petitioner,

v.

IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV01-23-04525

**STIPULATED MOTION AND
SUPPORTING POINTS TO
SUSPEND APPEAL**

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 85719 IN THE
NAME OF VEOLIA WATER IDAHO, INC.

Petitioner and Respondent, by and through their undersigned attorneys of record and in accordance with I.A.R. 13.2, I.R.C.P. 84(o) and (r), and this Court's March 20, 2023 *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources*, hereby stipulate and jointly move to suspend the above-captioned appeal proceedings for the following reasons:

1. I.R.C.P. 84 does not specify or cover the procedure for requesting a stay or suspension of judicial review proceedings before a district court. I.R.C.P. 84(r) instructs parties to refer to the Idaho Appellate Rules for “[a]ny procedure for judicial review not specified or covered by these rules....” I.A.R. 13.2 allows this Court to suspend appeal proceedings before it “on motion showing good cause.”

2. Veolia filed the subject *Petition for Judicial Review* on March 16, 2023 and filed a *Motion to Set Aside Final Unified Decree and to Correct or Amend the Partial Decree for Water Right No. 63-9245, In re SRBA*, Case No. 39576, Subcase No. 63-9245, with the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls on March 27, 2023 (the “*SRBA Motion*”). Both matters are currently pending before this Court and seek an order from the Court to modify the same condition included in the partial decree for Water Right No. 63-9245. Pet. for Jud. Rev. ¶ 2, 3.

3. The record in this matter was initially due to be lodged with the agency on or before April 3, 2023. Due to staff workload, the Department requested and received an extension until April 24, 2024. The settled record is due to be lodged with the Court on or before May 15, 2023.

4. The parties believe it is judicially efficient and in the economic interest of the parties and this Court to suspend the above-captioned appeal proceedings pending disposition on Veolia’s *SRBA Motion*, and to vacate the procedural schedule, all deadlines, and oral argument currently set to be heard August 17, 2023, in this matter.

Accordingly, the parties respectfully request the Court issue an order: (1) suspending the above-captioned appeal proceedings pending disposition of Veolia's *SRBA Motion*; and (2) vacating the procedural schedule, all deadlines, and oral argument currently set in this matter.

DATED this 24th day of April 2023.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



GARRICK L. BAXTER
Deputy Attorney General

Attorneys for Respondent

DATED this 21st day of April 2023.

GIVENS PURSLEY LLP

/s/ Charlie Baser
MICHAEL P. LAWRENCE
CHARLIE S. BASER

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of April 2023, I caused to be served a true and correct copy of the foregoing Stipulated Motion and Supporting Points to Suspend Appeal, via iCourt E-File and Serve, upon the following:

Michael P. Lawrence
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GARRICK L. BAXTER
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