

Albert P. Barker, ISB #2867  
Travis L. Thompson, #6168  
Michael A. Short, #10554  
**BARKER ROSHOLT & SIMPSON LLP**  
1010 W. Jefferson St., Ste. 102  
P.O. Box 2139  
Boise, Idaho 83701-2139  
Telephone: (208) 336-0700  
Facsimile: (208) 344-6034  
Email: [apb@idahowaters.com](mailto:apb@idahowaters.com)  
[tlt@idahowaters.com](mailto:tlt@idahowaters.com)  
[mas@idahowaters.com](mailto:mas@idahowaters.com)

*Attorneys for Petitioner South Valley Ground Water District*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

	)	CV07-21-00243
SOUTH VALLEY GROUND WATER	)	CASE NO. CV07-2021-_____
DISTRICT,	)	
	)	<b>APPLICATION FOR TEMPORARY</b>
Petitioner,	)	<b>RESTRAINING ORDER</b>
	)	
vs.	)	
	)	
THE IDAHO DEPARTMENT OF WATER	)	
RESOURCES and GARY SPACKMAN in his	)	
official capacity as Director of the Idaho	)	
Department of Water Resources,	)	
	)	
Respondents.	)	
	)	
_____	)	

COMES NOW Petitioner, SOUTH VALLEY GROUND WATER DISTRICT, by and through counsel of record, BARKER ROSHOLT & SIMPSON LLP, and makes application to the Court pursuant to I.R.C.P. 65(b), for a Temporary Restraining Order restraining the Respondents from proceeding with the hearing set in the Director’s May 4, 2021 *Notice* and issuing any

curtailment order resulting therefrom against Petitioner's members pending a hearing on Petitioner's Request for Preliminary Injunction and an Order to Show Cause compelling the Respondents to appear before the Court at a time and place certain and show cause, if any they have, why a preliminary injunction should not be issued against Respondents retraining and enjoining the administrative hearing set in the *Notice* and the issuance of any curtailment order resulting therefrom as requested in Petitioner's *Petition for Judicial Review, Complaint for Declaratory Relief, Writ of Prohibition and for Preliminary Injunction* to prevent immediate and irreparable harm to Petitioner and its members and maintain the status quo during the pendency of this action.

This Application is supported by Petitioner's *Petition for Judicial Review, Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively, Writ of Prohibition*, the *Memorandum in Support of Petition*, together with the supporting *Declaration of Travis L. Thompson, Declaration of David B. Shaw, Declaration of G. Erick Powell*, and *Declaration of Kristy J. Molyneux* setting forth the facts and grounds upon which the Application is based.

DATED this 24<sup>th</sup> day of May, 2021.

BARKER ROSHOLT & SIMPSON LLP

/s/ ALBERT P. BARKER  
Albert P. Barker

*Attorneys for South Valley Ground Water District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of May, 2021, the foregoing was filed, served, and copied as shown below.

IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. Box 83720  
Boise, ID 83720-0098  
Hand delivery or overnight mail:  
322 East Front Street  
Boise, ID 83702  
Fax: (208) 287-6700

- U. S. Mail
- Hand Delivered
- Overnight Mail
- iCourt
- Fax

Gary L. Spackman  
Director  
IDAHO DEPARTMENT OF WATER RESOURCES  
PO Box 83720  
Boise, ID 83720-0098  
gary.spackman@idwr.idaho.gov  
Fax: (208) 287-6700  
Hand delivery or overnight mail:  
322 E Front St  
Boise, ID 83702

- U. S. Mail
- Hand Delivered
- Overnight Mail
- iCourt
- E-mail

/s/ Albert P. Barker  
Albert P. Barker