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Attorneys for Petitioner South Valley Ground Water District and Galena Ground Water District

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

SOUTH VALLEY GROUND WATER)
DISTRICT and GALENA GROUND WATER)
DISTRICT,)
)
Petitioners,)
)
vs.)
)
THE IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN in his)
official capacity as Director of the Idaho)
Department of Water Resources,)

**MEMORANDUM IN SUPPORT OF
MOTION TO SHORTEN TIME**

Respondents.

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COMES NOW, the Petitioners, SOUTH VALLEY GROUND WATER DISTRICT, on behalf of its members, by and through counsel of record, BARKER ROSHOLT & SIMPSON LLP and GALENA GROUND WATER DISTRICT, on behalf of its members, by and through counsel of record, LAWSON LASKI CLARK, PLLC (collectively “Petitioners”), pursuant to Idaho Rule of Civil Procedure 7(b)(3)(H), and hereby submits this Motion to Shorten Time related to (1) Petitioners *Motion to Amend Petition for Judicial Review, Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively, Writ of Prohibition (“Motion to Amend”)*, and (2) Petitioners’ *Motion to Stay During Consideration of Petition for Judicial Review (“Motion to Stay”)*, both filed concomitantly.

Time does not permit a hearing or response for Petitioners’ *Motion to Amend* nor its *Motion to Stay*, and the Court should rule without opportunity for response or hearing. Idaho Rule of Civil Procedure 7(b)(3) requires that a written motion be submitted at least fourteen (14) days before a hearing on that motion. However, the Court may grant an exception to the time limits related to the filing, serving, response, and hearing for motions, “for good cause shown.” I.R.C.P. 7(b)(3)(H). Further, “If time does not permit a hearing or response on a motion to extend or shorten time, the court may rule without opportunity for response or hearing.” *Id.*

Petitioners request that the Court rule on the present motion, the *Motion to Amend*, and the *Motion to Stay* without response or hearing. As argued more fully in its memorandum in support of *Motion to Amend*, Petitioners seek to amend their *Petition for Judicial Review, Complaint for Declaratory Relief, Temporary Restraining Order and Preliminary Injunction, or Alternatively,*

Writ of Prohibition (“*Petition*”) because in the time since its original filing, the disposition of the underlying administrative proceeding has changed. Specifically, the administrative hearing has concluded and the Director has issued a final order (“*Curtailment Order*”) requiring the curtailment of all groundwater pumping within the defined area of Basin 37 (approximately 23,000 acres) for the remainder of the 2021 irrigation season. Additionally, this Court’s ruling on the Petitioners’ *Motion for Temporary Restraining Order*, set out that any injury to the Petitioner was speculative until the Director issues a final order. In light of the Director’s final order for full curtailment of Petitioners’ members’ groundwater rights, there is “good cause,” and immediate urgency, for the Court to grant the present motion and make an immediate ruling on its *Motion to Amend* and *Motion to Stay*.

The results of the Director’s *Curtailment Order* will prove to be devastating to Petitioners’ members, and the remedies sought by the *Petition* are necessary to prevent that loss and irreparable harm. The *Curtailment Order* demands immediate curtailment, and so, time is of the essence for the Petitioner to pursue and renew its petition for judicial review, and motions for temporary restraining order, preliminary injunction, and writ of prohibition. Simply put, the same time crunch that provides good cause to shorten time to hear Petitioners’ *Motion to Amend* and *Motion to Stay*, also “does not permit a hearing or response on a motion to extend or shorten time.” I.R.C.P. 7(b)(3)(H). The present motion therefore, requests the Court waive the response and hearing requirements for the present motion, its *Motion to Amend*, and its *Motion to Stay*, and make a ruling based on the arguments contained herein, and on the other pleadings and motions already submitted in this case, and the exigencies imposed by the Director’s *Curtailment Order*. Alternatively, Petitioners request the Court shorten time to hear its *Motion to Amend* and *Motion to Stay* at the Court’s earliest convenience.

DATED this 29th day of June, 2021.

BARKER ROSHOLT & SIMPSON LLP

/S/ ALBERT P. BARKER

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Attorneys for South Valley Ground Water District

LAWSON LASKI CLARK, PLLC

/S/ HEATHER E. O'LEARY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2021, the foregoing was filed, served, and copied as shown below.

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/s/ Albert P. Barker
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