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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) CASE NO. CV07-21-00243
DISTRICT,)
)
Petitioners,)
)
) **DECLARATION OF MICHAEL A.**
vs.) **SHORT**
)
)
THE IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN in his)
official capacity as Director of the Idaho)
Department of Water Resources,)

Respondents.

)
)
)
)
)

COME NOW,
I, Michael A. Short, hereby declare and state as follows:

1. I am over the age of 18 and state the following based upon my own personal knowledge.
2. I am one of the attorneys representing the South Valley Ground Water District (“SVGWD”) in the above captioned matter.
3. Attached hereto as **Exhibit A** is a true and correct copy of the transcript for the first day of the administrative contested case held on June 7, 2021; also referred to as Volume I of the administrative hearing.
4. Attached hereto as **Exhibit B** is a true and correct copy of the transcript for the first day of the administrative contested case held on June 8, 2021; also referred to as Volume II of the administrative hearing.
5. Attached hereto as **Exhibit C** is a true and correct copy of the transcript for the first day of the administrative contested case held on June 9, 2021; also referred to as Volume III of the administrative hearing.
6. Attached hereto as **Exhibit D** is a true and correct copy of the transcript for the first day of the administrative contested case held on June 10, 2021; also referred to as Volume IV of the administrative hearing.
7. Attached hereto as **Exhibit E** is a true and correct copy of the transcript for the first day of the administrative contested case held on June 11, 2021; also referred to as Volume V of the administrative hearing.

8. Attached hereto as **Exhibit F** is a true and correct copy of the transcript for the first day of the administrative contested case held on June 12, 2021; also referred to as Volume VI of the administrative hearing.
9. Attached hereto as **Exhibit G** is a true and correct copy of South Valley Ground Water District and Galena Ground Water District's Exhibit 12 from the administrative hearing, and incorporated in the administrative records.
10. Attached hereto as **Exhibit H** is a true and correct copy of South Valley Ground Water District and Galena Ground Water District's Exhibit 14 from the administrative hearing, and incorporated in the administrative records.
11. Attached hereto as **Exhibit I** is a true and correct copy of South Valley Ground Water District and Galena Ground Water District's Exhibit 15 from the administrative hearing, and incorporated in the administrative records.
12. Attached hereto as **Exhibit J** is a true and correct copy of South Valley Ground Water District and Galena Ground Water District's Exhibit 39 from the administrative hearing, and incorporated in the administrative records.
13. Attached hereto as **Exhibit K** to **Exhibit O** are true and correct copies of South Valley Ground Water District and Galena Ground Water District's Exhibit 42-46, respectively, from the administrative hearing, and incorporated in the administrative records.
14. Attached hereto as **Exhibit P** to **Exhibit R** are true and correct copies of the Idaho Department of Water Resource's Exhibit 2, 4, and 5 from the administrative hearing, and incorporated in the administrative records.

15. Attached hereto as **Exhibit S** is a true and correct copy of the Director's June 28, 2021 *Final Order*, wherein the junior priority groundwater rights are ordered to be curtailed for the remainder of the 2021 irrigation season, beginning July 1, 2021.
16. Attached hereto as **Exhibit T** is a true and correct copy of South Valley Ground Water District and Galena Ground Water Districts *Proposed Mitigation Plan*, submitted to Idaho Department of Water Resources Director on June 23, 2021.
17. Attached hereto as **Exhibit U** is a true and correct copy of the *Order on Petition for Judicial Review* from Gooding County District Court, Fifth Judicial District, Case No. 2008-551, on July 24, 2009.
18. Attached hereto as **Exhibit V** is a true and correct copy of the South Valley Ground Water District and Galena Ground Water District's *Motion to Stay*, submitted June 28, 2021, wherein it is specifically requested that the Director stay enforcement of the curtailment order pending review of the mitigation plan, hold a hearing on the mitigation plan, and expedite a decision.
19. Attached hereto as **Exhibit W** is a true and correct copy of the transcript for the pre-hearing conference of the administrative contested case held on May 24, 2021.
20. Attached hereto as **Exhibit X** is a true and correct copy of the *Opinion Constituting Findings of Fact, Conclusions of Law and Recommendation* at 14, 22 (Spring Users' Call, Jan. 11, 2008).
21. Attached hereto as **Exhibit Y** is a true and correct copy of South Valley Ground Water District's *Motion to Dismiss / Supporting Points and Authorities / Motion to Shorten Time for Response / Request for Oral Argument* filed with the Director on May 13, 2021.

22. Attached hereto as **Exhibit Z** is a true and correct copy of the Director's *Order Denying Motions to Dismiss, For Continuance or Postponement, and for Clarification or More Definite Statement* issued on May 22, 2021.
23. Attached hereto as **Exhibit AA** is a true and correct copy of the South Valley Ground Water District and Galena Ground Water District's *Post Hearing Memorandum* to the contested administrative case, filed on June 21, 2021.

DATED this 29th day of June, 2021.

BARKER ROSHOLT & SIMPSON LLP

/s/ MICHAEL A. SHORT
Michael A. Short

Attorneys for South Valley Ground Water District

CERTIFICATE OF SERVICE

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

IDAHO DEPARTMENT OF WATER RESOURCES P.O. Box 83720 Boise, ID 83720-0098	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Hand Delivered Overnight Mail iCourt
Gary L. Spackman IDAHO DEPARTMENT OF WATER RESOURCES PO Box 83720 Boise, ID 83720-0098	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
James R. Laski Heather O’Leary LAWSON LASKI CLARK PLLC PO Box 3310 Ketchum, ID 83340	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 S. 4th St., Ste. 103 Boise, ID 83702	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
Sarah A. Klahn SOMACH SIMMONS & DUNN 2033 11th St., #5 Boulder, CO 80302	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt
Joseph F. James James Law Office, PLLC 125 5th Ave. West Gooding, ID 83330	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U. S. Mail Overnight Mail iCourt

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/s/ Albert P. Barker
Albert P. Barker