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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

**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

Idaho Ground Water Appropriators, Inc. (“IGWA”), acting for and on behalf of North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, American Falls-Aberdeen Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District, through counsel, respectfully submits this *Unopposed Motion to Set Briefing Schedule and Modify Oral Argument Setting* pursuant to Idaho Appellate Rule 34(d) and paragraph 10 of the Court’s *Procedural Order* dated August 16, 2023, and the Court’s *Order Granting Unopposed Motion to Modify Briefing Schedule* dated October 31, 2023. This motion is supported by Declaration of Counsel, pursuant to I.A.R. 34(d), filed contemporaneously herewith. For the reasons set forth below, IGWA respectfully requests that the Court reset the briefing dates set forth in the *Procedural Order*, as follows:

1. Counsel for Petitioner has conferred with counsel for all parties in the above-captioned matter, who have given their support for the proposed briefing schedule.
2. Petitioner requests that the Court reset the briefing schedule outlined in the *Procedural Order*, and sets the following schedule.
 - 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. To accommodate for winter travel, the parties request the hearing start at 10:00 a.m., with arguments for Ada County Case No. CV01-23-13238 being heard first, and Petitioner’s arguments commencing thereafter. Petitioner has confirmed this date with the Court and request that the Court notice a hearing as outlined above.
3. The Court granted the Petitioner’s *Unopposed Motion to Modify Briefing Schedule* on October 31, 2023, which vacated the *Procedural Order* briefing dates but did not reset them. Pursuant to the Court’s order, and the decision on Petitioner’s *Motion to Augment* issued on November 9, 2023, the parties have conferred and propose the above briefing schedule.

WHEREFORE, Petitioner respectfully requests this Court grant IGWA’s *Unopposed Motion to Set Proposed Briefing Schedule and Modify Oral Argument Setting* and issue a Notice of Hearing setting oral arguments for February 22, 2024.

Respectfully submitted this 13th day of November, 2023.

RACINE OLSON, PLLP

By: 

Elisheva M. Patterson
Attorneys for IGWA

CERTIFICATE OF UNCONTESTED MOTION

The undersigned does hereby certify that she has contacted opposing counsels and is authorized to represent that opposing counsels have no objection to this motion.

Dated and certified this 13th day of November, 2023.

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
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