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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**

CITY OF IDAHO FALLS, 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, and CITY OF WENDELL

Petitioners,

vs.

IDAHO DEPARTMENT OF WATER RESOURCES,
and GARY SPACKMAN in his capacity as the
Director of the Idaho Department of Water Resources.

Respondents,

and

Case No. CV01-23-13238

**FIRST AMENDED
UNOPPOSED MOTION TO
MODIFY PROCEDURAL
ORDER BRIEFING
SCHEDULE**

IDAHO GROUND WATER APPROPRIATORS INC., A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, TWIN FALLS CANAL COMPANY, AMERICAN FALLS RESERVOIR DISTRICT #2, MINIDOKA IRRIGATION DISTRICT, BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, and BINGHAM GROUNDWATER DISTRICT,

Intervenors.

IN THE MATTER OF THE DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY AND 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

COME NOW the Cities of Idaho Falls, Pocatello, Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (“Petitioners”), by and through their respective counsel of record, and respectfully submit this *First Amended Unopposed Motion to Modify Procedural Order Briefing Schedule* pursuant to I.A.R.34(d) and paragraph 10 of the Court’s *Procedural Order* dated August 17, 2023, and as grounds therefor, state as follows:

1. Counsel for Petitioners have conferred with counsel for all parties in this case, who have indicated either their support for or non-opposition to this motion.
2. Petitioners request that the Court vacate the briefing schedule described in paragraph 9 of the *Procedural Order*, which sets Petitioners’ opening brief due

date for November 2, 2023; Respondents/Intervenors' response brief due date for November 30, 2023; and Petitioners' reply brief due date for December 21, 2023.

3. This is the second request for a modification of the briefing schedule. On October 26, 2023, Petitioners filed its first request to modify the briefing schedule, which proposed the following changes:

| Action | Original Deadline | Proposed Deadline |
|---|-------------------|-------------------|
| Petitioners' opening brief filed | Nov. 2, 2023 | Nov. 9, 2023 |
| Respondents' (and cross-petitioner's) brief filed | Nov. 30, 2023 | Dec. 14, 2023 |
| Petitioners' reply brief filed | Dec. 21, 2023 | Jan. 4, 2024 |

4. Petitioners' first request has yet to be granted or denied.
5. There is good cause to now vacate the briefing deadlines in this case, as, following Petitioners' first request, the Court noticed a hearing for November 9, 2023, on Petitioners' *Motion to Augment the Record*, which is after Petitioners' opening brief deadline and on the same date as Petitioners' first proposed opening brief deadline.
6. No alternate briefing dates are currently proposed because the parties do not know when the Court will issue its decision on the *Motion to Augment the Record*. If this Court grants Petitioners' *Motion to Augment the Record*, then Respondents may elect to file a modification or new findings with the Court, pursuant to Idaho Code § 67-5276(2). The alternate briefing dates will need to account for each of these events, the dates of which are unknown.

WHEREFORE, Petitioners respectfully request the Court grant this *First Amended Unopposed Motion to Modify Procedural Order Briefing Schedule*.

DATED this 30th day of October 2023.


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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2023, I served the foregoing document on the persons below via iCourt and email:

| | |
|---|--|
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