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Attorneys for Respondents

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ADA**

IDAHO GROUND WATER APPROPRIATORS, INC.,

Petitioner,

vs.

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

Respondents,

and

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, 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

Case No. CV01-23-07893

**STIPULATED I.A.R. 29
OBJECTION TO THE
CLERK'S RECORD**

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

IN THE MATTER OF IGWA'S SETTLEMENT AGREEMENT MITIGATION PLAN

On April 5, 2024, Idaho Ground Water Appropriators, Inc. ("IGWA"), filed *IGWA's Notice of Appeal*, appealing to the Idaho Supreme Court the Snake River Basin Adjudication ("SRBA") District Court's November 16, 2023 *Memorandum Decision and Order and Judgment*, and March 5, 2024 *Order Denying Petition for Rehearing* entered in this case. On July 1, 2024, the *Clerk's Record on Appeal* ("*Clerk's Record*") was lodged with the district court. Pursuant to I.A.R. 29, the parties listed in the above caption, by and through their respective counsels of record, hereby jointly object to the *Clerk's Record*.

The parties request the *Clerk's Record* be altered to include the Excel documents that were filed with the Ada County District Court as part of the *Settled Agency Record on Appeal* ("*Agency Record*"), lodged with the district court on July 11, 2023. See *Notice of Lodging Settled Agency Tr. & R. with Dist. Ct.*, at 2. A copy of the transmittal letter, that was sent together with a DVD containing the *Agency Record* to both the Ada County District Court and SRBA District Court,¹ is attached as Attachment A to this stipulation. The transmittal letter explains the inclusion of the Excel spreadsheet program files in the *Agency Record*.

¹ SRBA District Court staff confirmed that their case file includes the Excel documents in question.

The clerk's *Certificate of Exhibits* states:

That the following documents will be submitted as EXHIBITS to the Record.

....

3. Agency Record Excel Documents-Copy of 000435
4. Agency Record Excel Documents-Copy of 000840
5. Agency Record Excel Documents-Copy of 000841
6. Agency Record Excel Documents-Copy of 000842
7. Agency Record Excel Documents-Copy of 000843
8. Agency Record Excel Documents-Copy of 000844
9. Agency Record Excel Documents-Copy of 000845

R. at 267. However, the supporting documents that were simultaneously served with the *Clerk's Record* do not include any documents formatted for Excel. Instead, pages 1292–1298 of the *Clerk's Record Exhibits*, which according to the *Clerk's Record Index* are Exhibits 3–9 listed above, appear to be single-page PDF file conversions of the first worksheet of each XLSX file that was lodged as part of the *Agency Record*. The *Agency Record* Excel spreadsheet program files each contain multiple worksheets with copious amounts of data that cannot reasonably be converted into PDF files. Therefore, the parties request that the original Excel spreadsheet program files lodged with the district court as part of the *Agency Record*—produced as “000435.xlsx”, “000840.xlsx”, “000841.xlsx”, “000842.xlsx”, “000843.xlsx”, “000844.xlsx”, and “000845.xlsx”—be included as exhibits to the *Clerk's Record* to ensure that the record on appeal is complete and accurate.

DATED this 23rd day of July 2024.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL



GARRICK L. BAXTER
Deputy Attorney General

DATED this 23rd day of July 2024.

RACINE OLSON, PLLP

/s/ Thomas J. Budge

Thomas J. Budge
Elisheva M. Patterson
Attorneys for Petitioner

DATED this 23rd day of July 2024.

MCHUGH BROMLEY, PLLC

/s/ Chris M. Bromley

Candice M. McHugh
Chris M. Bromley
*Attorneys for Cities of Bliss, Burley,
Carey, Declo, Dietrich, Gooding, Hazelton,
Heyburn, Jerome, Paul, Richfield, Rupert,
Shoshone, and Wendell*

DATED this 23rd day of July 2024.

DYLAN ANDERSON LAW

/s/ Dylan Anderson

Dylan Anderson
Attorney for Bingham Groundwater District

DATED this 23rd day of July 2024.

OLSEN TAGGART PLLC

/s/ Skyler C. Johns

Skyler C. Johns
Nathan M. Olsen
Steven L. Taggart
*Attorneys for Bonneville-Jefferson Ground
Water District*

DATED this 23rd day of July 2024.

SOMACH SIMMONS & DUNN, P.C.

/s/ Sarah A. Klahn

Sarah A. Klahn
Maximilian C. Bricker
Attorneys for City of Pocatello

DATED this 23rd day of July 2024.

MARTEN LAW LLP

/s/ Travis L. Thompson

John K. Simpson
Travis L. Thompson
*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company*

DATED this 23rd day of July 2024.

FLETCHER LAW OFFICE

/s/ W. Kent Fletcher

W. Kent Fletcher
*Attorney for American Falls Reservoir
District #2 and Minidoka Irrigation District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July 2024, I caused to be served a true and correct copy of the foregoing via iCourt E-File and Serve, upon the following:

Clerk of the Court
Ada County District Court

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GARRICK L. BAXTER
Deputy Attorney General



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

July 11, 2023

VIA USPS MAIL

Ada County District Court
Clerk of the Court
200 W Front St.
Boise, ID 83702

RE: *Idaho Ground Water Appropriators, Inc. vs. Idaho Dep't of Water Res.*; Case No.
CV01-23-07893

Dear Clerk:

Enclosed for filing is a DVD containing the Idaho Department of Water Resources' *Settled Agency Hearing Transcript on Appeal* and *Settled Agency Record on Appeal* and the file titled "Agency Record Excel Documents" in this matter. On July 11, 2023, the transcript was already submitted in whole via iCourt, however, the record was too large to submit so only the corresponding cover page, table of contents, and index were submitted via iCourt. The *Settled Agency Record on Appeal* is one searchable PDF document with PDF bookmarks and clickable document links throughout the table of contents and index. The file labeled "Agency Record Excel Documents" includes the excel record documents that could not be included in the record PDF. Individual, bates stamped files of the record documents are also included in a separate folder on the DVD as an extra convenience only.

Thank you for your assistance in this matter. Please contact me at (208) 287-4815 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Tschohl", written over a horizontal line.

Sarah Tschohl, Paralegal
Idaho Department of Water Resources

Enclosures

cc: SRBA District Court
Clerk of the Court
P.O. Box 2707
Twin Falls, ID 83303