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DISTRICT COURT OF THE STATE OF IDAHO
FOURTH JUDICIAL DISTRICT
ADA COUNTY

IDAHO GROUND WATER APPROPRIATORS,
INC., BONNEVILLE-JEFFERSON GROUND
WATER DISTRICT, and BINGHAM GROUND
WATER DISTRICT,

Petitioners,

vs.

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

Respondents.

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

CV01-23-08187
Case No. _____

**Ground Water Districts'
Motion for Stay**

IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN FALLS
CANAL COMPANY

Idaho Ground Water Appropriators, Inc., acting for and on behalf of North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, Aberdeen-American Falls Area Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District; and Bingham Ground Water District and Bonneville-Jefferson Ground Water District (collectively, the “Ground Water Districts”), hereby move the court pursuant to Idaho Code § 67-5274 and Rule 84(m) of the Idaho Rule of Civil Procedure to stay implementation of the *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* issued April 21, 2023 (“*Fifth Methodology Order*”), and the *Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3)* issued April 21, 2023 (“*April 2023 As-Applied Order*”) in IDWR Docket No. CM-MP-2016-001, until this court completes its review of such orders, which are the subject of *Ground Water Districts’ Petition for Judicial Review* filed concurrently herewith. If this Court grants a stay, then pursuant to Idaho Code § 67-5274 and I.R.C.P. 84(m) the Ground Water Districts request that this Court take the following actions as appropriate terms of the stay:

1. Order the Director to administer water rights under the *Fourth Methodology Order* during the pendency of the stay.
2. Continue the after-the-fact hearing currently scheduled for June 6-10, 2023, to October 16-20, 2023, to account for the unavailability of the Ground Water Districts’ expert witnesses and to give the Ground Water Districts adequate time to prepare for the hearing.
3. Order the Director to disclose all documents and other information he considered in developing the *Fifth Methodology Order* and the *April 2023 As-Applied Order*.
4. Order the Director to allow the Ground Water Districts to depose and, if needed, call as witnesses any Department staff member who contributed to development of the *Fifth Methodology Order* or the *April 2023 As-Applied Order*.
5. Instruct counsel for the Director to refrain from instructing Department deponents or witnesses to not answer questions at depositions or the hearing on the basis that the information pertains to the Director’s deliberative process.

6. Vacate the Director's *Notice of Hearing, Notice of Prehearing Conference, and Order Authorizing Discovery* ("Order Limiting Discovery"), and *Order Denying the Cities' Motion for Appointment of Independent Hearing Officer and Motion for Continuance and Limiting Scope of Depositions* ("Order Limiting Evidence") issued May 5, 2023.


The Ground Water Districts have filed herewith the *Ground Water Districts' Motion for Injunctive Relief* which provides an alternative basis for taking the foregoing actions. The Ground Water Districts have also filed the *Ground Water Districts' Motion to Compel* which provides an alternative basis for taking the actions identified in paragraph numbers 3-5 above. If the Court takes such actions pursuant to this motion, the Court need not rule on the *Ground Water Districts' Motion for Injunctive Relief* or the *Ground Water Districts' Motion to Compel*.


This motion is supported by *Ground Water Districts' Brief in Support of Motion for Stay, Motion to Compel, Motion for Injunctive Relief, Motion for Expedited Decision, and Application for Order to Show Cause* and the Declarations of *Thomas J. Budge* filed herewith.

DATED this 19th day of May, 2023.


RACINE OLSON, PLLP

OLSEN & TAGGART PLLC

By: 
Thomas J. Budge
Attorneys for IGWA


By: 
Signed for: Skyler C. Johns
Attorneys for Bonneville-Jefferson
Ground Water District

DYLAN ANDERSON LAW

By: 
Signed for: Dylan Anderson
Attorney for Bingham Ground Water
District

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:


Thomas J. Budge

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