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Seventh Judicial District, Bingham County
Pamela Eckhardt, Clerk of the Court
By: Deputy Clerk - Cammack, Brandee

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

JERRY D. BINGHAM and VALERIE H. BINGHAM, Petitioners, vs. IDAHO DEPARTMENT OF WATER RESOURCES, Respondents, and IDAHO GROUND WATER APPROPRIATORS, INC., CITY OF POCATELLO, 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 Intervenors.	Case No. CV06-26-1801 **ORDER GRANTING STIPULATED JOINT MOTION FOR CONSOLIDATION AND STAY**

I.
BACKGROUND

On September 15, 2026, Jerry and Valerie Bingham filed a petition in Bingham County Case CV06-26-1801 seeking judicial review of various orders issued by the Director of the Idaho Department of Water Resources. The judicial review proceeding was reassigned to this Court by way of the Idaho Supreme Court's Administrative Order dated December 9, 2009. Then, on September 21, 2026, the Binghams filed a Complaint and Jury Demand against the State of Idaho and the Idaho Department of Water Resources in Bingham County Case CV06-26-1837. The Complaint sets forth causes of action for (1) Inverse Condemnation, and (2) Unlawful Physical Taking of Private Property. This civil action is presently assigned to the Honorable Darren Simpson, a Bingham County District judge.

On October 9, 2026, the Binghams and the Department filed a stipulated joint motion to consolidate the civil action into this judicial review proceeding. The motion is filed pursuant to Idaho Rule of Civil Procedure 42 and Seventh Judicial District Local Rule B(2). The parties stipulate the two cases arise out of, and involve, the same administrative curtailment and methodology orders. That said, the parties recognize the different processes and procedures required to decide a judicial review action as compared to a standard civil action. Therefore, the parties stipulate that the Court "consolidate these cases for purposes of judicial assignment, case management, and resolution of overlapping legal and factual issues, while preserving the distinct procedural requirements of the two cases." If the consolidation is granted, the parties stipulate that all proceedings in the civil action be stayed pending issuance of a remittitur in the judicial review proceeding. A hearing on the stipulated joint motion was held before the Court on November 12, 2026. No party opposes the stipulated joint motion.

II.
ANALYSIS

The decision to grant or deny a motion to consolidate is within the trial court's discretion. *BrunoBuilt, Inc. v. Erstad Architects, PA*, 172 Idaho 1, 15, 528 P.3d 531, 545 (2023). The Court in an exercise of its discretion will grant the Joint Motion to Consolidate on the basis it is stipulated to and unopposed.

In granting the Joint Motion, the Court finds the two cases involve common questions of law or fact arising from the same administrative curtailment and methodology orders issued by the Director. Therefore, the Court will consolidate these cases for purposes of judicial assignment, case management, and resolution of overlapping legal and factual issues, while preserving the distinct procedural requirements of the two cases as requested by the parties.

The Court in an exercise of its discretion will also grant the motion to stay all proceedings the civil action pending issuance of a remittitur by the Court in the judicial review proceeding. Again, the Court grants the motion to stay on the basis it is stipulated to and unopposed.

III.

ORDER

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. The Stipulated Joint Motion for Consolidation and Stay of Proceedings is hereby granted.

2. Bingham County Case CV06-26-1837 is consolidated into the above-captioned proceeding.

3. The cases are consolidated for purposes of judicial assignment, case management, and resolution of overlapping legal and factual issues, while preserving the distinct procedural requirements of the two cases as requested by the parties, with the below-signed judge presiding over both cases.

4. All proceedings in Bingham County Case CV06-26-1837 is hereby stayed pending issuance of a remittitur in Bingham County Case CV06-26-1801.

IT IS SO ORDERED.

Dated: 11/13/24.

ERIC J. WILDMAN
District Judge

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the attached to:

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Dated: November 13, 2026

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DISTRICT COURT SEVENTH JUDICIAL DISTRICT STATE OF IDAHO BINGHAM COUNTY

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