

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

CV07-21-00243

SOUTH VALLEY GROUND WATER )  
DISTRICT, )

Petitioner, )

vs. )

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

Respondents. )

CASE NO. CV07-2021-\_\_\_\_\_

**TEMPORARY RESTRAINING  
ORDER**

**Rule 65(b), I.R.C.P.**

TO: THE ABOVE-NAMED RESPONDENTS, DIRECTOR GARY SPACKMAN AND THE IDAHO DEPARTMENT OF WATER RESOURCES, AND THE PARTIES' COUNSEL OF RECORD IDENTIFIED ON THE CERTIFICATE OF SERVICE; AND THE CLERK OF THE ABOVE-ENTITLED DISTRICT COURT

Based upon the Application of Petitioner supported by the Petition for Judicial Review, Complaint and Declarations filed herein, the Court finds that immediate and irreparable injury, loss, or damage will result to the Petitioner before the Respondent's attorney can be heard in opposition because the Respondents have threatened to proceed with an administrative hearing and have threatened to issue a curtailment order resulting therefrom on June 7-11, 2021 or thereafter, before any hearing can be conducted by the Court on Petitioner's Application for a Preliminary Injunction, and Petitioner's attorney certifies to the Court in writing the efforts made to give notice and the reasons the Petitioner claims that notice should not be required.

IT IS HEREBY ORDERED that the Respondents be and are hereby temporarily restrained and enjoined from holding the administrative hearing set in the May 4, 2021 *Notice* and from issuing any resulting curtailment order therefrom or curtailing Petitioner's members from pumping ground water in accordance with their respective water rights to prevent immediate and irreparable harm or injury and to maintain the status quo pending a hearing on Pettioner's Application for a Preliminary Injunction.

This Temporary Restraining Order granted without notice is issued May \_\_\_\_, 2021, at the hour of \_: \_\_ .m. shall be filed forthwith in the Clerk's Office and entered of record and served upon the Respondents and their attorneys; and shall expire by its terms on the date of the Show Cause Hearing on Petitioner's Application for Preliminary Injunction, unless extended by the Court.

DATED \_\_\_\_\_

\_\_\_\_\_  
District Court Judge

**CLERK'S CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_\_\_, I caused to be served a true and correct copy of the foregoing TEMPORARY RESTRAINING ORDER by the method indicated below, and addressed to each of the following:

IDAHO DEPARTMENT OF WATER RESOURCES  U. S. Mail  
P.O. Box 83720  Hand Delivered  
Boise, ID 83720-0098  Overnight Mail  
Hand delivery or overnight mail:  iCourt  
322 East Front Street  Fax  
Boise, ID 83702  
Fax: (208) 287-6700

Gary L. Spackman  U. S. Mail  
Director  Hand Delivered  
IDAHO DEPARTMENT OF WATER RESOURCES  Overnight Mail  
PO Box 83720  iCourt  
Boise, ID 83720-0098  E-mail  
[gary.spackman@idwr.idaho.gov](mailto:gary.spackman@idwr.idaho.gov)

Albert P. Barker  U. S. Mail  
Travis L. Thompson  Hand Delivered  
Michael A. Short  Overnight Mail  
BARKER ROSHOLT & SIMPSON LLP  iCourt  
1010 W. Jefferson St., Ste. 102  E-mail  
P.O. Box 2139  
Boise, ID 83701-2139  
[apb@idahowaters.com](mailto:apb@idahowaters.com)  
[tlr@idahowaters.com](mailto:tlr@idahowaters.com)  
[mas@idahowaters.com](mailto:mas@idahowaters.com)

\_\_\_\_\_  
Clerk of the Court