

Skyler C. Johns, ISB No. 11033  
Steven L. Taggart, ISB No. 8551  
Nathan M. Olsen, ISB No. 7373  
**OLSEN TAGGART PLLC**  
P.O. Box 3005  
Idaho Falls, Idaho 83403  
Telephone: (208) 552-6442  
Facsimile: (208) 524-6095  
Email: [sjohns@olsentaggart.com](mailto:sjohns@olsentaggart.com)  
[staggart@olsentaggart.com](mailto:staggart@olsentaggart.com)  
[nolsen@olsentaggart.com](mailto:nolsen@olsentaggart.com)

*Attorneys for Petitioner  
Bonneville-Jefferson Ground  
Water District*

John K. Simpson, ISB No. 4242  
Travis L. Thompson, ISB No. 6168  
Bryce M. Brown, ISB No. 12310  
Abby R. Bitzenburg, ISB No. 12198  
**MARTEN LAW LLP**  
163 Second Ave. West  
P.O. Box 63  
Twin Falls, Idaho 83303-0063  
Telephone: (208) 733-0700  
Email: [jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)  
[tthompson@martenlaw.com](mailto:tthompson@martenlaw.com)  
[bbrown@martenlaw.com](mailto:bbrown@martenlaw.com)  
[abitzenburg@martenlaw.com](mailto:abitzenburg@martenlaw.com)

*Attorneys for A&B Irrigation District, Burley  
Irrigation District, Milner Irrigation District,  
North Side Canal Company, and Twin Falls Canal  
Company*

Sarah A. Klahn, ISB No. 7928  
Maximillian C. Bricker, ISB No. 12283  
**SOMACH SIMMONS & DUNN, P.C.**  
1155 Canyon Blvd., Ste. 110  
Boulder, CO 80302  
Telephone: (303) 449-2834  
Email: [sklahn@somachlaw.com](mailto:sklahn@somachlaw.com)  
[mbricker@somachlaw.com](mailto:mbricker@somachlaw.com)

*Attorneys for American Falls – Aberdeen Ground Water District*

W. Kent Fletcher, ISB No. 2248  
**FLETCHER LAW OFFICE**  
P.O. Box 248  
Burley, Idaho 83318  
Telephone: (208) 678-3250  
Email: [wkf@pmt.org](mailto:wkf@pmt.org)

*Attorneys for American Falls  
Reservoir District #2 and Minidoka  
Irrigation District*

Elisheva Patterson, ISB No. 11746  
Thomas J. Budge, ISB No. 7465  
**RACINE OLSON, PLLP**  
201 E. Center St. / P.O. Box 1391  
Pocatello, ID 83204  
Telephone: (208) 232-6101  
Facsimile: (208) 232-6109  
Email: [tj@racineolson.com](mailto:tj@racineolson.com)  
[elisheva@racineolson.com](mailto:elisheva@racineolson.com)

*Attorneys for The Idaho Ground  
Water Appropriators, Inc.*

Andrew J. Waldera, ISB No. 6608  
**SAWTOOTH LAW OFFICES, PLLC**  
1101 W. River St., Suite 110  
Boise, ID 83702  
Telephone: (208) 629-7447  
Facsimile: (208) 629-7559  
Email: [andy@sawtoothlaw.com](mailto:andy@sawtoothlaw.com)

*Attorneys Magic Valley Ground  
Water District*

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

BONNEVILLE JEFFERSON GROUND  
WATER DISTRICT,

Petitioner,

vs.

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 (COLLECTIVELY  
THE "SURFACE WATER  
COALITION"), THE IDAHO GROUND  
WATER APPROPRIATORS, INC., an  
Idaho non-profit corporation, FREMONT-  
MADISON IRRIGATION DISTRICT,  
JEFFERSON-CLARK GROUND  
WATER DISTRICT, BINGHAM  
GROUND WATER DISTRICT,  
AMERICAN FALLS-ABERDEEN  
GROUND WATER DISTRICT, MAGIC  
VALLEY GROUND WATER  
DISTRICT, NORTH SNAKE GROUND  
WATER DISTRICT, CAREY VALLEY  
GROUND WATER DISTRICT, JOHN  
AND JANE DOES 1-50,

Respondents.

Case No. CV10-24-2909

**FOURTH STIPULATION TO STAY  
CASE AND JOINT MOTION FOR  
ORDER APPROVING STIPULATION  
AND STAYING PROCEEDINGS**

Petitioners, BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, and Respondents 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 (hereinafter collectively referred to as the “Surface Water Coalition,” “Coalition,” or “SWC”), AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT (“AFA”), MAGIC VALLEY GROUND WATER DISTRICT (“MVGWD”), and NORTH SNAKE GROUND WATER DISTRICT (“NSGWD”), as well as the IDAHO GROUND WATER APPROPRIATORS (“IGWA”), by and through counsel of record, and pursuant to I.R.C.P. 41(a)(1)(A)(ii) and other applicable law, hereby stipulate and move as follows:

1. The Petitioner served its summons and *Petition* on the Surface Water Coalition on or about June 4, 2024.
2. Counsel for the Surface Water Coalition filed notices of acceptance of service and notices of appearance on or about June 10, 2024.
3. Members of the Surface Water Coalition filed a *Motion to Disqualify Honorable Judge Dane H. Watkins Jr. Without Cause* and a *Motion to Change Venue* (and related documents) on or about June 10, 2024, and the Honorable Judge Watkins issued his *Order of Self-Disqualification* on June 27, 2024.
4. On June 18, 2024, IGWA entered its appearance in the case.
5. The Petitioner and SWC filed a *Stipulation to Stay Case and Joint Motion for Order Approving Stipulation and Staying Proceedings* on June 20, 2024, to engage in settlement negotiations on matters concerning the SWC Delivery Call, including the captioned matter.

6. On June 28, 2024, the Idaho Supreme Court issued its *Order, In Re: Assignment of District Judge Eric Wildman* to preside over this matter.
7. On July 2, 2024, AFA accepted service of the *Petition* in this matter, and on July 3, 2024, Petitioner and AFA filed a *Joint Stipulation to Stay Case and Motion for Order Approving Stipulation and Staying Proceedings*.
8. On July 3, 2024, MVGWD and NSGWD accepted service of the *Petition* in his matter.
9. The Court has entered: an *Order on Stipulation to Stay Case and Joint Motion for Order Approving Stipulation and Staying Proceedings* on July 3, 2024; an *Amended Order on Stipulation to Stay Case and Joint Motion for Order Approving Stipulation and Staying Proceedings* on July 26, 2024, staying these proceedings until October 1, 2024; an *Order Granting Stipulated Motion to Extend Stay* on October 16, 2024, staying the proceedings until November 1, 2024; and an *Amended Order on Third Stipulation to Stay Case and Joint Motion for Order Approving Stipulation and Staying Proceedings* on November 6, staying the proceedings until December 2, 2024.
10. On November 14, 2024, the Petitioners, SWC, IGWA, AFA, MVGWD, and NSGWD, and other ground water districts executed a *2024 Stipulated Mitigation Plan* (“Plan”) and a *2024 Memorandum of Agreement* (“MOA”).
11. On November 19, 2024, the Parties to the Plan, which include Petitioner, SWC, IGWA, AFA, MVGWD, and NSGWD, jointly submitted the Plan to the Director of the Idaho Department of Water Resources for approval as a stipulated mitigation plan under the Rules for Conjunctive Management, IDAPA 37.03.11. Counsel have been informed that IDWR plans to publish notice of the Plan in early December 2024. Following publication, it is expected that IDWR will approve the Plan.

12. Pursuant to the MOA, the Parties to the MOA, which include Petitioner, SWC, IGWA, AFA, MVGWD, and NSGWD, agreed to jointly dismiss this action within ten (10) days after approval of the Plan by the Director.
13. Given the above referenced process under the CM Rules, the Parties anticipate that the Director may not approve the Plan until after December 2, 2024. Therefore, in the interests of judicial economy regarding this matter, the Petitioner and SWC, IGWA, AFA, MVGWD, and NSGWD hereby stipulate to stay this case until at least January 15, 2025.
14. The Petitioner and SWC, IGWA, AFA, MVGWD, and NSGWD hereby jointly move the Court to stay these proceedings until further notification as described above. Petitioner further hereby stipulates that Respondents in this matter shall have 21 days following the expiration of the stay, upon notice of the Petitioner and Respondents, to answer the *Petition* or file a responsive pleading.
15. Not all other parties have been served a copy of the summons and petition nor have all named parties appeared in this matter.

DATED this 21<sup>st</sup> day of November 2024.

**OLSEN TAGGART PLLC**

/s/ Skyler C. Johns  
Skyler C. Johns

*Attorneys for Bonneville – Jefferson  
Ground Water District*

**MARTEN LAW LLP**

/s/ Travis L. Thompson  
Travis L. Thompson

Abby R. Bitzenburg  
*Attorneys for A&B Irrigation District  
Burley Irrigation District, Milner Irrigation  
District, North Side Canal Company, Twin  
Falls Canal Company*

**FLETHCER LAW OFFICE**

W. Kent Fletcher  
W. Kent Fletcher

*Attorneys for American Falls Reservoir  
District #2 and Minidoka Irrigation District*

**SOMACH SIMMONS & DUNN, P.C.**

/s/ Maximillian C. Bricker  
Sarah K. Klahn  
Maximillian C. Bricker

*Attorneys for American Falls – Aberdeen*

**RACINE OLSON PLLP**

/s/ Thomas J. Budge  
Elisheva Patterson  
Thomas J. Budge

*Attorneys for The Idaho Ground Water  
Appropriators, Inc.*

**SAWTOOTH LAW**

/s/ Andrew J. Waldera  
Andrew J. Waldera

*Magic Valley Ground Water  
District and North Snake  
Ground Water District*

## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of November 2024, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

Sarah A. Klahn Maximilian C. Bricker SOMACH SIMMONS & DUNN, P.C. <i>Attorneys for American Falls-Aberdeen Ground Water District</i>	sklahn@somachlaw.com mbricker@somachlaw.com
Andrew J. Waldera SAWTOOTH LAW OFFICES, PLLC <i>Attorneys for Magic Valley Ground Water District</i>	andy@sawtoothlaw.com
Thomas J. Budge Elisheva M Patterson RACINE OLSON, PLLP <i>Attorneys for The Idaho Ground Water Appropriators, Inc..</i>	tj@racineolson.com elisheva@racineolson.com
Travis L. Thompson Abby R. Bitzenburg Bryce Brown John K. Simpson MARTEN LAW LLP <i>Attorneys for A&amp;B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company (Collectively the "Surface Water Coalition")</i>	tthompson@martenlaw.com abitzenburg@martenlaw.com bbrown@martenlaw.com jsimpson@martenlaw.com
W. Kent Fletcher FLETCHER LAW OFFICE <i>Attorney for American Falls Reservoir District #2 and Minidoka Irrigation District</i>	wkf@pmt.org
Jerry Rigby RIGBY, ANDRUS, & RIBGY LAW, PLLC <i>Attorneys for Fremont-Madison Irrigation District and Jefferson-Clark Ground Water District</i>	jrigby@rex-law.com
Dylan Anderson DYLAN ANDERSON LAW <i>Attorney for Bingham Ground Water District</i>	dylan@dylanandersonlaw.com

/s/ Michelle J. Dover  
 Michelle J. Dover  
 Paralegal