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Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

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

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,

vs.

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, 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, BONNEVILLE-JEFFERSON
GROUND WATER DISTRICT, and the
BINGHAM GROUND WATER DISTRICT,

Intervenors.

Case No. CV01-23-13173

**STIPULATED
MOTION TO EXTEND STAY**

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

Petitioner Idaho Ground Water Appropriators, Inc. (“IGWA”), Respondents Mathew Weaver and the Idaho Department of Water Resources (“IDWR”), and the Intervenors American Falls Reservoir District No. 2, Minidoka Irrigation District, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company (the “SWC”), Bonneville-Jefferson Ground Water District and Bingham Ground Water District (“Ground Water Districts”), Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell (collectively, “Coalition of Cities”), and City of Pocatello, jointly hereby move this Court for an order extending the stay of the appeal in the above-captioned matter until December 31, 2027, the end of the initial term of the parties’ stipulated mitigation plan and memorandum of agreement (the “2024 Stipulated Mitigation Plan”).

On July 8, 2024, the parties filed a *Stipulated Motion to Extended Stay* requesting a stay of proceedings in this appeal until October 1, 2024. The motion was granted pursuant to the *Order Granting Stipulated Motion for Stay* entered July 16, 2024.

On October 1, 2024, the parties filed a *Stipulation and Joint Motion to Extend Stay* requesting an extension of the stay until November 1, 2024. The motion was granted pursuant to the *Order Granting Stipulated Motion to Extend Stay* entered October 8, 2024.

On November 1, 2024, the parties filed a *Stipulated Motion to Extended Stay* requesting an extension of the stay until December 1, 2024. The motion was granted pursuant to the *Order Granting Stipulated Motion to Extend Stay* entered November 1, 2024.

On December 3, 2024, the parties filed a *Stipulated Motion to Extend Stay* requesting an extension of the stay until January 31, 2025, or until IDWR approves the 2024 Stipulated

Mitigation Plan. The stay request further stated that if “the stipulated mitigation plan is approved prior to January 31, 2025, the parties will file a joint motion to stay this proceeding during the term of the mitigation plan.”

The stay was requested to enable the parties to review and formally approve the proposed stipulated mitigation plan and memorandum of agreement. The parties’ 2024 Stipulated Mitigation Plan was submitted to IDWR for approval on November 19, 2024. After completion of the publication of the 2024 Stipulated Mitigation Plan, IDWR approved the plan and issued the *Final Order Approving Stipulated Mitigation Plan* on January 3, 2025.

Pursuant to the terms of the 2024 Stipulated Mitigation Plan and the *Final Order Approving Stipulated Mitigation Plan*, the parties shall request a stay of litigation of the above-captioned case during the term of the 2024 Stipulated Mitigation Plan.

Therefore, the parties respectfully move the Court to extend the stay of this appeal until the end of the initial term of the 2024 Stipulated Mitigation Plan on December 31, 2027, and to set a status conference on or shortly before December 31, 2027, so that the parties can provide an update to the Court.

RACINE OLSON, PLLP

January 7, 2025
Date

/s/ Thomas J. Budge
Thomas J. Budge
Attorneys for Petitioner Idaho Ground Water Appropriators, Inc. (IGWA)

OFFICE OF THE ATTORNEY GENERAL

January 14, 2025
Date

/s/ Garrick L. Baxter
Garrick L. Baxter
Deputy Attorney General
Attorneys for Respondents Idaho Department of Water Resources and Mathew Weaver, in his capacity as Director of the Department of Water Resources

MCHUGH BROMLEY, PLLC

January 9, 2025

Date

/s/ Candice M. McHugh

Candice M. McHugh

Chris M. Bromley

Attorneys for Intervenor Coalition of Cities

SOMACH SIMMONS & DUNN

January 9, 2025

Date

/s/ Maximilian C. Bricker

Sarah A. Klahn

Maximilian C. Bricker

Attorneys for Intervenor City of Pocatello

OLSEN TAGGART PLLC

January 10, 2025

Date

/s/ Skyler C. Johns

Skyler C. Johns

*Attorneys for Intervenor Bonneville-Jefferson
Ground Water District*

DYLAN ANDERSON LAW PLLC

January 9, 2025

Date

/s/ Dylan Anderson

Dylan Anderson

*Attorneys for Intervenor Bingham Ground Water
District*

FLETCHER LAW OFFICE

January 9, 2025

Date

/s/ W. Kent Fletcher

W. Kent Fletcher

*Attorneys for Intervenor American Falls
Reservoir District No. 2 and Minidoka Irrigation
District*

MARTEN LAW LLP

January 9, 2025

Date

/s/ Travis L. Thompson

Travis L. Thompson

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

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2025, I caused the foregoing document to be filed and served on the persons below via iCourt:


Thomas J. Budge

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