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## IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

## OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

SOUTH VALLEY GROUND WATER DISTRICT and GALENA GROUND WATER DISTRICT,	) ) )
Petitioners,	) CASE NO. CV07-21-00243
vs. THE IDAHO DEPARTMENT OF WATER RESOURCES and GARY SPACKMAN in his	<ul> <li>PETITIONERS' OBJECTION TO</li> <li>AGENCY RECORD</li> <li>)</li> </ul>

official capacity as Director of the Idaho Department of Water Resources,

Respondents.

COME NOW, the Petitioners, SOUTH VALLEY GROUND WATER DISTRICT, on behalf of its members, by and through counsel of record, BARKER ROSHOLT & SIMPSON LLP and GALENA GROUND WATER DISTRICT, on behalf of its members, by and through counsel of record, LAWSON LASKI CLARK, PLLC (collectively "Petitioners"), hereby files this *Objection to Agency Record* which was filed with the Blaine County District Court on August 20, 2021, pursuant to I.R.C.P. 84(j). The Petitioners respectfully request the agency to include the following documents in the record:

- Idaho Department of Water Resources documents:
  - 1. Apr 16 Tim Luke email to the BWRGWMA Advisory Committee
  - 2. May 17 Sukow Response to Staff Memorandum
  - 3. May 17 Luke Response to Staff Memorandum
  - 4. June 8 Corrected Sukow Response to Staff Memorandum
  - June 28- SVGWD Petition to Stay Curtailment/Request for Expedited Decision/Request for Hearing on Mitigation Plan
  - 6. June 29- Final Order Denying Mitigation Plan
  - June 29- Final Order Denying Petition to Stay Curtailment & Granting request for expedited decision and request for hearing
  - 8. July 1- Notice of hearing re proposed mitigation plan
  - 9. July 7- SVGWD Amended Proposed Mitigation Plan

## PETITIONERS' OBJECTION TO AGENCY RECORD

- 10. July 8- Final Order Approving Mitigation Plan and Staying Curtailment
- 11. July 9- IGWA Response to Amended Mitigation Plan
- 12. August 15- Final Order approving amendment to mitigation plan
- 13. August 20- Amended Certificate of Service
- 14. August 20- Notice of Amended Certificate of Service
- SVGWD / GGWD documents:
  - 1. May 13 Declaration of Travis L. Thompson in Support of Motion for Continuance
  - 2. June 3 Supplemental Disclosure of Exhibits
  - 3. June 25 Reply in Support of Objection and Motion to Strike
- Idaho Fish and Game document:
  - June 29- IDFG Notice of Response Regarding Request for Agency Action re Beavers
- Big Wood & Little Wood River Users Association documents:
  - 1. June 2 Revised Exhibit List
  - 2. June 3 Addendum to Revised Exhibit List
- City of Hailey et al. document:
  - 1. June 2 Exhibits to Motion in Limine
- Coalition of Cities document:
  - 1. May 19- Notice of Intent to Participate
- Misc. / Correspondence:
  - 10. Sept 6, 2017 Analysis of the Nature and Extent of Hydraulic Separation
     Between the Lower Basalt Aquifer and the Upper Alluvial Aquifer in the
     vicinity of Picabo, Idaho (Charles G. Brockway)

11. July 3- IDWR letter to Governor Little and Speaker Bedke re Curtailment

12. July 8- IDWR letter to Curtailed users Staying curtailment

13. Final Executed Term Sheet

In addition to the above, Bates 2875 does not appear to be included in the documents

provided by IDWR, and Bates 2684-2707 (Miller Exhibit 1) is missing the exhibits to the report.

DATED this 2<sup>nd</sup> day of September, 2021.

BARKER ROSHOLT & SIMPSON LLP

<u>/S/ ALBERT P. BARKER</u> Albert P. Barker

Attorneys for South Valley Ground Water District

LAWSON LASKI CLARK, PLLC

/s/ HEATHER E. O'LEARY\_\_\_\_\_ Heather E. O'Leary

Attorneys for Galena Ground Water District

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of September, 2021, the foregoing was filed, served, and copied as shown below.

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<u>/s/ TRAVIS L. THOMPSON</u> Travis L. Thompson