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Attorneys for Respondents

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

IDAHO GROUND WATER APPROPRIATORS, INC.,

Petitioner,

v.

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

Respondents.

Case No. CV27-22-00945

**STIPULATED MOTION
TO EXPEDITE
PROCEEDINGS ON
RESPONDENTS'
MOTION TO DISMISS**

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

IN THE MATTER OF IGWA'S SETTLEMENT
AGREEMENT MITIGATION PLAN

Respondents, the Idaho Department of Water Resources and its Director, Gary Spackman (collectively, “Department”), and Petitioner IGWA stipulate to expediting proceedings on the Department’s November 9, 2022 motion to dismiss. This motion is made under Idaho Rules of Civil Procedure 84(o) and (r), and Idaho Appellate Rule 48. If the Court requires oral argument on the motion to dismiss, the Department and IGWA agree that oral argument should occur on November 21, 2022, during the hearing IGWA previously scheduled for its motion to expedite briefing schedule.

There is good cause¹ for expediting proceedings on the Department’s motion to dismiss. The Department’s motion to dismiss presents the threshold question of whether this Court has jurisdiction over IGWA’s petition for judicial review. An expeditious answer to that question will assist the parties by determining whether the case must proceed before this Court or the Department. The Department and IGWA have a shared interest in resolving the issues presented in time for the 2023 irrigation system. In fact, IGWA agrees to respond to the Department’s motion on November 14 and the Department agrees to file a reply no later than November 18, 2022. Hearing the Department’s motion at the same time as IGWA’s motion will better position the case to move ahead in the appropriate forum, and conserve resources for both the parties and the Court.

Accordingly, the Department and IGWA respectfully request that the Court expedite the proceedings by hearing oral argument on the Department’s motion to dismiss in concert with IGWA’s motion to expedite briefing, on November 21, 2022, at 2:00 PM.

¹ While Idaho Rule of Civil Procedure 84 does not specifically provide for a motion to expedite or shorten time in a judicial review proceeding, courts apply the good cause standard for similar requests in civil proceedings and for modifications to appellate briefing schedules. *E.g.*, *Gordon v. U.S. Bank Nat’l Ass’n*, 166 Idaho 105, 112–13, 455 P.3d 374, 381–82 (2019); I.A.R. 34(d).

DATED this 14th day of November 2022.

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ATTORNEY GENERAL

GARRICK L. BAXTER
Acting Chief of Natural Resources Division



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Deputy Attorney General
*Attorneys for the Idaho Department of Water
Resources and Director Gary Spackman*

DATED this 14th day of November 2022.

RACINE OLSON, PLLP



THOMAS J. BUDGE
Attorneys for IGWA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November 2022, I caused to be served a true and correct copy of the foregoing *Stipulated Motion to Expedite Proceedings on Respondents' Motion to Dismiss* via iCourt E-File and Serve, upon the following:

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