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*Attorneys for Respondents*

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

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,

and

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 POCA TELLO,  
CITY OF BLISS, CITY OF BURLEY,  
CITY OF CAREY, CITY OF DECLO,

Case No. CV01-23-13173

**MOTION TO SHORTEN TIME AND  
SUPPORTING POINTS**

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, AND CITY OF WENDELL, BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, and BINGHAM GROUNDWATER DISTRICT,

Intervenors.

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

Respondents the Idaho Department of Water Resources and Mathew Weaver, Director of the Idaho Department of Water Resources (collectively referred to as “Department”), by and through their attorneys of record, hereby move the Court to shorten time for hearing and briefings on this motion and the Department’s concurrently filed *Motion to Strike IGWA’s Reply to SWC’s Opposition to Motion to Augment*.

#### **STANDARD OF REVIEW**

The Idaho Rules of Civil Procedure addressing judicial review of agency actions state that “[t]he opposing party has 14 days from the service to file a response or reply brief” to all motions, I.R.C.P. 84(o), and “[o]ral argument may be heard by the district court after notice to the parties in the same manner as notice of hearing of a motion before a trial court under these rules,” I.R.C.P. 84(q). “[I]f a hearing is requested, the notice of

hearing for the motion, must be filed with the court and served so as to be received by the parties at least 14 days prior to the day designated for hearing.” I.R.C.P. 7(b)(3)(A).

Rule 84(r) of the I.R.C.P. also requires that “[a]ny procedure for judicial review not specified or covered by these rules must be in accordance with the appropriate rule of the Idaho Appellate Rules”. Neither I.R.C.P. 84 nor the I.A.R. specifically provide an avenue to shorten time limits. “In cases where no provision is made by statute or by these rules, proceedings in the Supreme Court shall be in accordance with the practice usually followed in such or similar cases . . . .” I.A.R. 48. Idaho Rule of Civil Procedure 7 provides that an exception to motion practice time limits “may be granted by the court for good cause shown.” The Idaho Supreme Court has said that a trial court has discretion to grant a motion to shorten time when it finds that good cause exists. *Dodge v. Bonners Ferry Police Dep't*, 165 Idaho 650, 654, 450 P.3d 298, 302 (2019) (citing *Brinkmeyer v. Brinkmeyer*, 135 Idaho 596, 601, 21 P.3d 918, 923 (2001); *Sun Valley Potatoes, Inc. v. Rosholt, Robertson & Tucker*, 133 Idaho 1, 6, 981 P.2d 236, 241 (1999)).

## **ARGUMENT**

As argued in the concurrently filed *Motion to Strike IGWA's Reply to SWC's Opposition to Motion to Augment*, IGWA is using improper procedure to get the records it failed to attach to its motion before the Court. IGWA's attempt to get the records before the Court by attaching them to an impermissible reply brief prejudices the Department because the Department will be without an opportunity to timely consider and respond in writing to the over 300 pages submitted. Given that IGWA's briefing was filed less than 48-hours before the hearing on this matter, good cause exists, and the Court should

exercise its discretion to grant the Department's request to shorten time to hear the motion to strike.

**REQUEST FOR ORAL ARGUMENT**

The Department requests that oral argument be set on this motion. A *Notice of Hearing* has been concurrently filed.

DATED this 8th day of November 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL



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GARRICK L. BAXTER  
Deputy Attorney General

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of November 2023, I caused to be served a true and correct copy of the foregoing *Motion to Shorten Time and Supporting Points*, via iCourt E-File and Serve, upon the following:

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