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*Attorneys for City of Pocatello*

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

CITY OF IDAHO FALLS, 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, and CITY OF WENDELL

Petitioners,

vs.

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

Respondents,

and

IDAHO GROUND WATER APPROPRIATORS  
INC., A&B IRRIGATION DISTRICT, BURLEY  
IRRIGATION DISTRICT, MILNER IRRIGATION  
DISTRICT, NORTH SIDE CANAL COMPANY,  
TWIN FALLS CANAL COMPANY, AMERICAN  
FALLS RESERVOIR DISTRICT #2, MINIDOKA  
IRRIGATION DISTRICT, BONNEVILLE-  
JEFFERSON GROUND WATER DISTRICT, and  
BINGHAM GROUNDWATER DISTRICT,

Intervenors.

**Case No. CV01-23-13238**

**DECLARATION OF COUNSEL  
IN SUPPORT OF UNOPPOSED  
MOTION TO SET BRIEFING  
SCHEDULE AND EXTEND  
TIME FOR ORAL ARGUMENT**

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

I, Maximilian C. Bricker, declare the following:

1. I am an attorney representing Petitioner City of Pocatello in the above-captioned matter.
2. Pursuant to this Court's August 17, 2023 *Procedural Order*, the oral argument in this matter has been set for January 11, 2023, at 1:30 pm.
3. On October 26, 2023, Petitioners filed an *Unopposed Motion to Modify Procedural Order Briefing Schedule*.
4. On October 30, 2023, Petitioners filed a *First Amended Unopposed Motion to Modify Procedural Order Briefing Schedule*, asking the Court to vacate the briefing schedule until Petitioners' *Motion to Augment the Record* was decided.
5. On October 31, 2023, the Court granted the foregoing motion and vacated the briefing schedule.
6. On November 9, 2023, the Court heard the parties' arguments on the *Motion to Augment the Record*, and granted the motion from the bench. The Court also instructed the parties to confer regarding a new briefing and oral argument schedule.

7. The parties have conferred and stipulated via email to the proposed briefing schedule and new date for oral argument that is contained in the *Unopposed Motion to Set Briefing Schedule and Extend Time for Oral Argument* (“Motion”), filed herewith, which is displayed below:

Action	Proposed Date
Petitioners’ opening brief due	December 22, 2023
Respondents’ and Intervenors’ response brief due	January 26, 2024
Petitioners’ reply brief due	February 15, 2024
Oral argument	February 22, 2024

8. As explained above, this is the third request for a modification of the briefing schedule. The Court previously vacated the briefing schedule and has not yet set a new schedule.

9. This is the first request to extend the time for oral argument. Oral argument is currently set for January 11, 2024, at 1:30 pm.

10. There is good cause to grant this *Motion*, as the Court vacated the briefing schedule, and upon the Court’s granting of the *Motion to Augment*, Petitioners require additional time to complete briefing, which requires extending the time for oral argument.

11. Petitioners assure the Court that they will meet the proposed deadlines. The parties are known entities to the Court, having brought judicial review before it numerous times in the past. To the best of my knowledge all parties have complied with the Court’s deadlines and have submitted briefs timely.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 13th day of November 2023.

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



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Maximilian C. Bricker, ISB #12283

## CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November 2023, I served the foregoing document on the persons below via iCourt and email:

Clerk of the Court Jerome County District Court	iCourt
Director Mat Weaver Garrick Baxter Sarah Tschohl Idaho Department of Water Resources	<a href="mailto:mat.weaver@idwr.idaho.gov">mat.weaver@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a>
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