

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF IDAHO; IDAHO
DEPARTMENT OF WATER
RESOURCES; GARY SPACKMAN, in
his official capacity as Director of the
Idaho Department of Water Resources,

Defendants.

Case No. 2:22-cv-00236-DCN

ORDER

This case commenced on June 6, 2022, when the United States sued the State of Idaho to challenge the constitutionality of a series of Idaho statutes involving stockwater rights. Dkt. 1. While the suit was initially assigned to U.S. Magistrate Judge Debora K. Grasham, it was reassigned to the undersigned on August 19, 2022.

Before the reassignment, Idaho filed an answer to the original complaint (Dkt. 9). The United States then filed an amended complaint on July 15 (Dkt. 11), to which the State answered on July 29 (Dkt. 13). Three days after the amended complaint was filed, the Idaho Senate and House of Representatives (“Legislature”) filed a motion to intervene, without objection, on July 18. Dkt. 12.

Since the reassignment, the original parties have submitted a Joint Discovery Plan (Dkt. 17), to which the Legislature provisionally responded (Dkt. 18). Additionally, on August 30, 2022, a motion to intervene was filed by Joyce Livestock Co., LU Ranching

Co., Pickett Ranch & Sheep Co., and the Idaho Farm Bureau (“Ranchers”). Dkt. 19. Responses to this motion are presently due September 20, 2022.

Before this case proceeds any further, and to avoid any further overlap, this order addresses both motions to intervene and the litigation and discovery plan as follows:

1. Having reviewed the Legislature’s timely motion and seeing no objections, the Court finds that the Legislature has significant protectable interests relating to this action and that existing parties do not adequately represent their interests. For this reason, under Federal Rule of Civil Procedure 24(a), the Court GRANTS the Legislature’s Motion to Intervene (Dkt. 12).
2. As for the Ranchers’ timely Motion to Intervene (Dkt. 19), following its review, the Court finds that the Ranchers also have significant protectable interests that are not adequately represented by the existing parties or the Legislature. But, unlike the Legislature’s motion (Dkt. 12), which received no opposition, the Ranchers only recently filed their motion, and the response date has not elapsed. Moreover, while the Legislature does not oppose the Ranchers’ motion, nor has the State taken a position, the United States reserved its position pending its review of the filing. *See* Dkt. 19, at 2. For this reason, although the Court is inclined to grant the Ranchers’ motion, it will allow the parties an opportunity to oppose the Ranchers’ intervention before so doing. Any party who wishes to oppose the Ranchers’ motion must do so **on or before Thursday, September 8, 2022**. If opposition arises, the Court will allow formal briefing on the Ranchers’ motion to proceed as indicated in a subsequent order.

3. Finally, the existing parties and intervenors should coordinate and submit a new joint litigation and discovery plan **on or before September 15, 2022**. In light of this new deadline, the Court VACATES the currently scheduled Telephonic Scheduling Conference of September 6, 2022, and will reset it for **September 22, 2022, at 11:00 am**.



DATED: September 2, 2022

A handwritten signature in dark ink, appearing to read "David C. Nye", written over a horizontal line.

David C. Nye
Chief U.S. District Court Judge