

DISTRICT COURT - KRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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OCT 21 2025

By


Clerk

Deputy Clerk

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

In Re: The General Adjudication of Rights to) Case No. 89576
the Use of Water from the Kootenai River)
Basin Water System) **UNITED STATES' UNOPPOSED**
) **MOTION TO STAY COMMENCEMENT**

1. The United States of America hereby moves to stay proceedings regarding commencement of the Kootenai River Basin Adjudication ("KRBA") during the pendency of the current lapse in federal appropriations.

2. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice and other federal agencies expired, and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies. The Department does not know when such funding will be restored by Congress.

3. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4. Undersigned counsel for the Department of Justice therefore requests a stay of proceedings on commencement of the KRBA until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The United States requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

6. Undersigned counsel has conferred with counsel for the parties who have appeared regarding commencement. Counsel for the Kootenai Tribe and State of Idaho indicated that the Tribe and State do not oppose the United States’ motion.

7. Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of proceedings on commencement of the KRBA until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted this 21st day of October 2025.

Adam R.F. Gustafson
Acting Assistant Attorney General

/s/ Mark J. Widerschein
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CERTIFICATE OF SERVICE

I certify that on the 21st day of October, 2025, I served true and correct copies of the foregoing MOTION TO STAY as follows:

Original via Fax:

Clerk of the Fifth District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303-2707

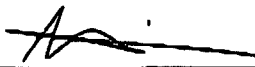
Copies via First Class U.S. Mail, pre-paid:

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