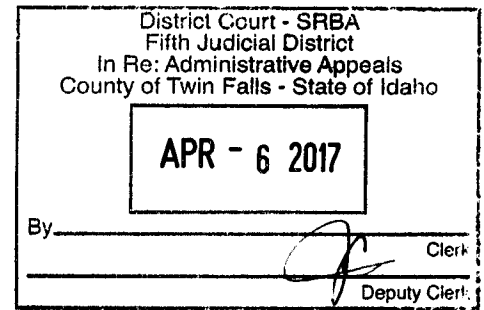


Candice M. McHugh, ISB # 5908  
**MCHUGH BROMLEY, PLLC**  
380 S. 4th St., Ste. 103  
Boise, Idaho 83702  
Telephone: 208-287-0991  
Fax: 208-287-0864



*Attorneys for McCain Foods USA, Inc.*

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

McCain Foods USA, Inc.

Petitioners

vs.

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

Respondents.

Case No.: CV01-16021480

**MOTION TO LIFT STAY AND  
REQUESTING PROCEDURAL ORDER**

Petitioner, McCain Foods USA, Inc. (“McCain”), by and through its respective attorney of record, Candice M. McHugh, of the firm McHugh Bromley, PLLC, pursuant to this Court’s December 7, 2016 *Ordering Granting Joint Motion to Stay Proceeding*, (“Order on Stay”) requests that the Court lift the stay, issue a procedural order and proceed with the *Notice of Appeal and Petition for Judicial Review of Agency Action* (“Appeal”) as filed.

On March 20, 2017, Sun Valley Company filed a *Notice of Withdrawal of Request for Hearing* on the Director’s November 2, 2016 *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*, (“GWMA Order”). The order upon which Sun Valley Company had requested an administrative hearing is the *GWMA Order* that is the subject of McCain’s appeal. On March 30, 2017, the Idaho Department of Water Resources issued an *Order Extending Deadline for Petitions to Intervene; Notice of Continued Prehearing*

*Conference* and set April 20, 2017 as a continued prehearing conference. However, this Courts' *Order on Stay* states that McCain "shall move the Court to lift the stay within 28 days of the Director's issuance of the final order." Id. at 2. Because the status of the November 2, 2016 Order upon which McCain's *Appeal* is based appears to be a final order with no administrative hearing request now pending before the agency, McCain is filing this *Motion to Lift Stay and Requesting Procedural Order* so as to not waive any of its rights under this Court's *Order on Stay* and in its *Appeal* as the continued pre-hearing conference will be after the 28 days after the date that Sun Valley withdrew its request for administrative hearing.

Based on the foregoing, McCain requests that the Court issue an order lifting the stay in the above captioned matter and issue a procedural order setting deadlines in the *Appeal*.

Respectfully submitted this 5th day of April, 2017.

MCHUGH BROMLEY, PLLC

By: 

Candice M. McHugh

*Attorney for McCain Foods USA, Inc*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5th day of April, 2017, the foregoing was filed, served, or copied as follows:

GARRICK L BAXTER  
EMMI L. BLADES  
IDAHO DEPT OF WATER RESOURCES  
322 E FRONT ST  
PO BOX 83720  
BOISE, ID 83720  
[Garrick.baxter@idwr.idaho.gov](mailto:Garrick.baxter@idwr.idaho.gov)  
[Emmi.blades@idwr.idaho.gov](mailto:Emmi.blades@idwr.idaho.gov)

Via US Mail, Postage Paid  
 Via Facsimile -  
 Hand-Delivered - Court Folder  
 X Email

MATT MCGEE  
MOFFATT THOMAS  
PO BOX 829  
BOISE ID 83701  
[mjm@moffatt.com](mailto:mjm@moffatt.com)

Via US Mail, Postage Paid  
 Via Facsimile -  
 Hand-Delivered - Court Folder  
 X Email

SARAH A. KLAHN  
MITRA M. PEMBERTON  
WHITE & JANKOWSKI, LLP  
511 SIXTEENTH STREET, SUITE 500  
DENVER, CO 80202  
(303) 595-9441  
(303) 825-5632 (FAX)  
[sarahk@white-jankowski.com](mailto:sarahk@white-jankowski.com)  
[mitrap@white-jankowski.com](mailto:mitrap@white-jankowski.com)

Via US Mail, Postage Paid  
 Via Facsimile -  
 Hand-Delivered - Court Folder  
 X Email

*Courtesy Copy*

ROBERT E. WILLIAMS  
ATTORNEYS AT LAW  
153 EAST MAIN STREET  
P. O. BOX 168  
JEROME, IDAHO 83338  
TELEPHONE: (208) 324-2303  
FACSIMILE: (208) 324-3135  
[rewilliams@wmlattys.com](mailto:rewilliams@wmlattys.com)

Via US Mail, Postage Paid  
 Via Facsimile -  
 Hand-Delivered - Court Folder  
 X Email

*Courtesy Copy*

RANDALL C. BUDGE  
THOMAS J. BUDGE  
RACINE LAW OFFICE  
201 E CENTER ST.  
PO BOX 1391  
POCATELLO, ID 83204  
[rcb@racinelaw.net](mailto:rcb@racinelaw.net)  
[tjb@racinelaw.net](mailto:tjb@racinelaw.net)

Via US Mail, Postage Paid  
 Via Facsimile -  
 Hand-Delivered - Court Folder  
 X Email



Candice M. McHugh