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DISTRICT COURT OF THE STATE OF IDAHO
FOURTH JUDICIAL DISTRICT
ADA COUNTY

IDAHO GROUND WATER APPROPRIATORS,
INC., BONNEVILLE-JEFFERSON GROUND
WATER DISTRICT, and BINGHAM GROUND
WATER DISTRICT,

Petitioners,

vs.

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

Respondents.

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

Case No. CV01-23-08187

**Ground Water Districts'
Motion to Compel**

IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN FALLS
CANAL COMPANY

Idaho Ground Water Appropriators, Inc., acting for and on behalf of North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, Aberdeen-American Falls Area Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District; and Bingham Ground Water District and Bonneville-Jefferson Ground Water District (collectively, the “Ground Water Districts”), hereby move this Court pursuant to Idaho Code § 67-5271, IDAPA 37.01.520, and Rule 37 of the Idaho Rule of Civil Procedure to compel Gary Spackman, Director of the Department of Water Resources, to:

1. Disclose all documents and other information he considered in developing the *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover (“Fifth Methodology Order”)* and the *Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3) (“April 2023 As-Applied Order”)* issued April 21, 2023, in IDWR Docket No. CM-MP-2016-001.
2. Allow the Ground Water Districts to depose and, if needed, call as witnesses any Department staff member who contributed to development of the *Fifth Methodology Order* or the *April 2023 As-Applied Order*.
3. Refrain from instructing Department deponents or witnesses to not answer questions at depositions or at the hearing on the basis that the information pertains to the Director’s deliberative process.


The Ground Water Districts have filed herewith the *Ground Water Districts’ Motion for Stay* which requests that this Court order the Director to take the foregoing actions as appropriate terms of a stay pursuant to Idaho Code § 67-5274 and I.R.C.P. 84(m). The Ground Water Districts have also filed the *Ground Water Districts’ Motion for Injunctive Relief* which provides an alternative basis for taking such actions pursuant to Idaho Const. art. V, § 20, Idaho Code §§ 1-705(2), 67-5271 & 67-5274, and Rules 62, 65, & 84(m) of the Idaho Rules of Civil Procedure. This motion provides a second alternative basis for taking such actions.


This motion is supported by *Ground Water Districts' Brief in Support of Motion for Stay, Motion to Compel, Motion for Injunctive Relief, Motion for Expedited Decision, and Application for Order to Show Cause* and the Declarations of *Thomas J. Budge* filed herewith.

DATED this 19th day of May, 2023.


RACINE OLSON, PLLP

OLSEN & TAGGART PLLC

By: 
Thomas J. Budge
Attorneys for IGWA


By: 
Signed for: Skyler C. Johns
Attorneys for Bonneville-Jefferson
Ground Water District

DYLAN ANDERSON LAW

By: 
Signed for: Dylan Anderson
Attorney for Bingham Ground Water
District

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:


Thomas J. Budge

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