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

IDAHO GROUND WATER
APPROPRIATORS, INC., ET AL.,

Petitioners,

vs.

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

Respondents.

Case No. CV01-23-8187

**SURFACE WATER COALITION'S
MOTION TO DISMISS**

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY AND FOR THE BENEFIT OF
A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR
DISTRICT NO. 2, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION
DISTRICT, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

COME NOW, Intervenor-Respondents 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 (hereinafter collectively “Surface Water Coalition” or “Coalition), by and through undersigned counsel of record, and pursuant to I.R.C.P. 12(b)(1) hereby move the court to dismiss the Districts’ petition for judicial review.

The Districts have requested a hearing before IDWR pursuant to section 42-1701A(3) which is scheduled for June 6-10, 2023. Pursuant to well established administrative law the Districts have failed to exhaust their administrative remedies, and they have no meritorious exception to this requirement. *See* I.C. § 67-5271(1).

The Coalition requests oral argument on this motion.

DATED this 30th day of May, 2023.

MARTEN LAW LLP

FLETCHER LAW OFFICE

/s/ Travis L. Thompson
Travis L. Thompson

/s/ W. Kent Fletcher
W. Kent Fletcher

Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2023, the foregoing was filed electronically using the Court’s e-file system, and upon such filing the following parties were served electronically.

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