

RAÚL R. LABRADOR
ATTORNEY GENERAL

SCOTT L. CAMPBELL
Chief of Energy and Natural Resources Division

GARRICK L. BAXTER, ISB No. 6301
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov

Attorneys for Respondents

**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., 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,

and

CITY OF POCATELLO, CITY OF BLISS,
CITY OF BURLEY, CITY OF CAREY, CITY
OF DECLO, CITY OF DIETRICH, CITY OF
GOODING, CITY OF HAZELTON, CITY OF
HEYBURN, CITY OF JEROME, CITY OF
PAUL, CITY OF RICHFIELD, CITY OF
RUPERT, CITY OF SHOSHONE, CITY OF
WENDELL, A&B IRRIGATION DISTRICT,
BURLEY IRRIGATION DISTRICT,
MILNER IRRIGATION DISTRICT, NORTH

Case No. CV01-23-08187

**DEPARTMENT'S MOTION
FOR ATTORNEY FEES**

SIDE CANAL COMPANY, TWIN FALLS
CANAL COMPANY, AMERICAN FALLS
RESERVOIR DISTRICT #2, MINIDOKA
IRRIGATION DISTRICT, and MCCAIN
FOODS USA, INC.,

Intervenors.

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

Respondents, the Idaho Department of Water Resources and its Director, Gary Spackman (collectively, “Department”), hereby move this Court for an award attorney fees against Petitioners, the Idaho Ground Water Appropriators, Inc., Bonneville-Jefferson Ground Water District, and Bingham Ground Water District (collectively, “Ground Water Districts”). This motion is brought pursuant to I.R.C.P. 54, Idaho Code § 12-117, § 12-121, and other applicable law discussed in the *Department’s Brief in Support of Motion for Attorney Fees*. The Court must award attorney fees because the Ground Water Districts’ *Petition for Judicial Review* and corresponding *Motion for Expedited Decision*, *Motion for Injunctive Relief*, *Motion for Stay*, *Motion to Compel*, and *Motion for Order to Show Cause* were frivolous and lacked a reasonable basis in law or fact.

DATED this 15th day of June 2023.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to read 'G. Baxter', is written over a horizontal line.

GARRICK L. BAXTER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June 2023, I caused to be served a true and correct copy of the foregoing *Department's Motion for Attorney Fees*, via iCourt E-File and Serve, upon the following:

Thomas J. Budge
Elisheva M. Patterson
RACINE OLSON, PLLP
tj@racineolson.com
elisheva@racineolson.com

Dylan Anderson
DYLAN ANDERSON LAW
dylan@dylanandersonlaw.com

Skyler C. Johns
Nathan M. Olsen
Steven L. Taggart
OLSEN TAGGART PLLC
icourt@olsentaggart.com

John K. Simpson
Travis L. Thompson
MARTEN LAW LLP
jsimpson@martenlaw.com
tthompson@martenlaw.com

W. Kent Fletcher
FLETCHER LAW OFFICE
wkf@pmt.org

Candice M. McHugh
Chris M. Bromley
MCHUGH BROMLEY, PLLC
cbromley@mchughbromley.com
cmchugh@mchughbromley.com



GARRICK L. BAXTER
Deputy Attorney General