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Idaho Farm Bureau Federation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,

*Plaintiff*

v.

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

*Defendants,*

IDAHO HOUSE OF REPRESENTATIVES; MIKE  
MOYLE, in his official capacity as Majority Leader  
of the House; IDAHO SENATE; and CHUCK  
WINDER, in his official capacity as President Pro  
Tempore of the Senate,

*Defendant-Intervenors,*

JOYCE LIVESTOCK CO.; LU RANCHING CO.;  
PICKETT RANCH & SHEEP CO.; and IDAHO  
FARM BUREAU FEDERATION,

*Defendant-Intervenors.*

Case No. 1:22-cv-00236-DCN

**RANCHER INTERVENOR-  
DEFENDANTS' NON-OPPOSITION  
TO MOTION (ECF NO. 75)**

Per Dist. Idaho Loc. Civ. R. 7.1(a)(5), Joyce Livestock Company, LU Ranching Company, Pickett Ranch & Sheep Company, and Idaho Farm Bureau Federation (together, the Ranchers) respectfully submit this non-opposition to motion. The Ranchers do not intend to oppose the Idaho State defendants' request, filed as ECF No. 75, for leave to oppose the plaintiff's "supplemental" arguments on the I.C. § 42-222(2) claims.

As the Ranchers said in their own supplemental brief, ECF No. 71 at 3, the Ranchers understood at the January 23, 2024 hearing that the Court would deal with the plaintiff's abandonment of the claims regarding I.C. § 42-222(2) without need for further briefing. All the same, it became clear in the colloquy among counsel at the hearing and in the filings since that the Idaho State defendants would seek relief on this matter per Federal Rule of Civil Procedure 41, and the Ranchers do not oppose the Idaho State defendants' further attempt in ECF No. 75 to obtain relief on the I.C. § 42-222(2) claims with prejudice or otherwise on the merits.

As they have done before, the Ranchers respectfully reiterate their request that the Court deny the plaintiff's request for judgment, and instead award the Ranchers judgment on the plaintiff's claims in this case and any other appropriate relief.

Dated: February 13, 2024

Respectfully submitted,

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and Idaho Farm Bureau Federation*

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 13, 2024, I filed the foregoing document with the Clerk of the Court using this Court's CM/ECF system, which will send a notification to all counsel of record per Fed. R. Civ. P. 5 and D. Idaho L.R. 5.1(k).

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