

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

Attorney for McCain Foods USA, Inc.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301
EMMI L. BLADES, ISB #8682
Deputy Attorneys 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
emmi.blades@idwr.idaho.gov

*Attorneys for Gary Spackman and
the Idaho Department of Water Resources*

**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.

Petitioner

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

**JOINT MOTION TO STAY
PROCEEDINGS AND
MEMORANDUM IN SUPPORT**


Petitioner, McCain Foods USA, Inc. (“McCain”), and Respondents, the Idaho Department of Water Resources and its Director Gary Spackman (“Department”), by and through their attorneys of record, jointly move this Court pursuant to Idaho Rule of Civil Procedure 84(o) to stay proceedings in the above-captioned matter pending issuance of a final order by the Director of the Department (“Director”) following a hearing on the November 4, 2016, *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (“GWMA Order”) and until further order of this Court. This joint motion is based on the following facts:

On November 16, 2016, the City of Pocatello; Sun Valley Company; and the Cities of Bliss, Buhl, Burley, Care, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, and Wendell timely filed with the Department petitions for reconsideration of the GWMA Order. Sun Valley Company also filed a petition requesting a hearing on the GWMA Order pursuant to Idaho Code § 42-1701A(3). On November 17, 2016, McCain filed in the above-captioned matter its *Notice of Appeal and Petition for Judicial Review of Agency Action* regarding the GWMA Order (“McCain’s Petition”).


On December 2, 2016, the Director issued an *Order Granting Request for Hearing; Notice of Pre-Hearing Conference* granting Sun Valley Company’s request for hearing on the GWMA Order. So parties to the underlying administrative proceeding may exhaust their administrative remedies, McCain and the Department request that the Court stay proceedings on McCain’s Petition pending issuance of a final order by the Director following a hearing on the GWMA Order and until further order of this Court. *See Order Staying Petition Until Further Order of Court*, Case No. CV-2008-0000551 (5th Jud. Dist. Oct. 10, 2008).

Respectfully submitted this 5TH day of December 2016.

IDAHO DEPARTMENT OF WATER
RESOURCES

By: 
Garrick L. Baxter
*Attorney for Gary Spackman and
the Idaho Department of Water Resources*

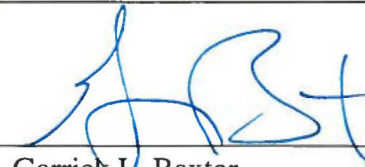
MCHUGH BROMLEY, PLLC

By: 
Candice M. McHugh
Attorney for McCain Foods USA, Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December 2016, the foregoing was filed, served, or copied as follows:

SCOTT L CAMPBELL MATT MCGEE SARA MCCORMACK MOFFATT THOMAS PO BOX 829 BOISE ID 83701 slc@moffatt.com mjm@moffatt.com sam@moffatt.com	Via US Mail, Postage Paid Via Facsimile - Hand-Delivered - Court Folder X Email Courtesy Copy
SARAH A. KLAHN, I.B. 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 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	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 tjb@racinelaw.net	Via US Mail, Postage Paid Via Facsimile - Hand-Delivered - Court Folder X Email Courtesy Copy



Garrick L. Baxter
Deputy Attorney General