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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**

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 (5<sup>th</sup> Jud. Dist. Oct. 10, 2008).

Respectfully submitted this 5<sup>TH</sup> day of December 2016.

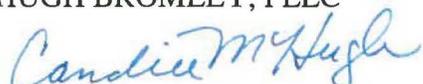
IDAHO DEPARTMENT OF WATER  
RESOURCES

By:  \_\_\_\_\_

Garrick L. Baxter

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

MCHUGH BROMLEY, PLLC

By:  \_\_\_\_\_

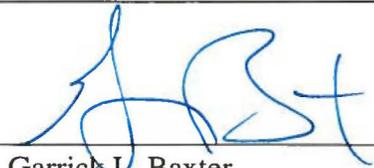
Candice M. McHugh

*Attorney for McCain Foods USA, Inc*

**CERTIFICATE OF SERVICE**

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

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<p>SARAH A. KLAHN, I.B.  MITRA M. PEMBERTON  WHITE &amp; JANKOWSKI, LLP  511 SIXTEENTH STREET, SUITE 500  DENVER, CO 80202  (303) 595-9441  (303) 825-5632 (FAX)  <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a>  <a href="mailto:mitrap@white-jankowski.com">mitrap@white-jankowski.com</a></p>	<p>Via US Mail, Postage Paid  Via Facsimile -  Hand-Delivered - Court Folder  X Email</p> <p>Courtesy Copy</p>
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\_\_\_\_\_  
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