

Thomas J. Budge (ISB# 7465)
Elisheva M. Patterson (ISB#11746)
RACINE OLSON, PLLP
201 E. Center St. / P.O. Box 1391
Pocatello, Idaho 83204
tj@racineolson.com
elisheva@racineolson.com
Tel: (208) 232-6101
*Attorneys for Idaho Ground Water
Appropriators, Inc. (IGWA)*

Dylan Anderson (ISB# 9676)
DYLAN ANDERSON LAW
PO Box 35
Rexburg, Idaho 83440
Tel: (208) 684-7701
dylan@dylanandersonlaw.com
Attorney for Bingham Groundwater District

Skyler C. Johns (ISB# 11033)
Nathan M. Olsen (ISB# 7373)
Steven L. Taggart (ISB# 8551)
OLSEN TAGGART PLLC
1449 E 17th St, Ste A
PO Box 3005
Idaho Falls, ID 83403
Tel: (208) 552-6442
johns@olsentaggart.com
nolsen@olsentaggart.com
staggart@olsentaggart.com
*Attorneys for Bonneville-Jefferson Ground
Water District*

DISTRICT COURT OF THE STATE OF IDAHO
FOURTH JUDICIAL DISTRICT
ADA COUNTY

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.

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

Case No. CV01-23-08187

**Ground Water Districts'
Motion to Compel**

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

Idaho Ground Water Appropriators, Inc., acting for and on behalf of North Snake Ground Water District, Magic Valley Ground Water District, Carey Valley Ground Water District, Aberdeen-American Falls Area Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry’s Fork Ground Water District; and Bingham Ground Water District and Bonneville-Jefferson Ground Water District (collectively, the “Ground Water Districts”), hereby move this Court pursuant to Idaho Code § 67-5271, IDAPA 37.01.520, and Rule 37 of the Idaho Rule of Civil Procedure to compel Gary Spackman, Director of the Department of Water Resources, to:

1. Disclose all documents and other information he considered in developing the *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover (“Fifth Methodology Order”)* and the *Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3) (“April 2023 As-Applied Order”)* issued April 21, 2023, in IDWR Docket No. CM-MP-2016-001.
2. Allow the Ground Water Districts to depose and, if needed, call as witnesses any Department staff member who contributed to development of the *Fifth Methodology Order* or the *April 2023 As-Applied Order*.
3. Refrain from instructing Department deponents or witnesses to not answer questions at depositions or at the hearing on the basis that the information pertains to the Director’s deliberative process.


The Ground Water Districts have filed herewith the *Ground Water Districts’ Motion for Stay* which requests that this Court order the Director to take the foregoing actions as appropriate terms of a stay pursuant to Idaho Code § 67-5274 and I.R.C.P. 84(m). The Ground Water Districts have also filed the *Ground Water Districts’ Motion for Injunctive Relief* which provides an alternative basis for taking such actions pursuant to Idaho Const. art. V, § 20, Idaho Code §§ 1-705(2), 67-5271 & 67-5274, and Rules 62, 65, & 84(m) of the Idaho Rules of Civil Procedure. This motion provides a second alternative basis for taking such actions.


This motion is supported by *Ground Water Districts' Brief in Support of Motion for Stay, Motion to Compel, Motion for Injunctive Relief, Motion for Expedited Decision, and Application for Order to Show Cause* and the Declarations of *Thomas J. Budge* filed herewith.

DATED this 19th day of May, 2023.


RACINE OLSON, PLLP

OLSEN & TAGGART PLLC

By: 
Thomas J. Budge
Attorneys for IGWA


By: 
Signed for: Skyler C. Johns
*Attorneys for Bonneville-Jefferson
Ground Water District*

DYLAN ANDERSON LAW

By: 
Signed for: Dylan Anderson
*Attorney for Bingham Ground Water
District*

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:


Thomas J. Budge

Clerk of the Court Jerome County District Court 233 West Main Street Jerome, ID 83338	iCourt
Director Gary Spackman Garrick Baxter Sarah Tschohl Idaho Department of Water Resources 322 E Front St. Boise, ID 83720-0098	gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov file@idwr.idaho.gov
Dylan Anderson DYLAN ANDERSON LAW PO Box 35 Rexburg, Idaho 83440	dylan@dylanandersonlaw.com
Skyler C. Johns Nathan M. Olsen Steven L. Taggart OLSEN TAGGART PLLC 1449 E 17th St, Ste A PO Box 3005 Idaho Falls, ID 83403	johns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com
John K. Simpson Travis L. Thompson MARTEN LAW P. O. Box 63 Twin Falls, ID 83303-0063	tthompson@martenlaw.com jsimpson@martenlaw.com jnielsen@martenlaw.com
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318	wkf@pmt.org

<p>Kathleen Marion Carr US Dept. Interior 960 Broadway Ste 400 Boise, ID 83706</p>	<p>kathleenmarion.carr@sol.doi.gov</p>
<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Department of Justice 999 18th St., South Terrace, Suite 370 Denver, CO 80202</p>	<p>david.gehlert@usdoj.gov</p>
<p>Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234</p>	<p>mhoward@usbr.gov</p>
<p>Sarah A Klahn Somach Simmons & Dunn 2033 11th Street, Ste 5 Boulder, Co 80302</p>	<p>sklahn@somachlaw.com dthompson@somachlaw.com</p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83205</p>	<p>rdiehl@pocatello.us</p>
<p>Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4th Street, Suite 103 Boise, ID 83 702</p>	<p>cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>
<p>Robert E. Williams WILLIAMS, MESERVY, & LOTH SPEICH, LLP P.O. Box 168 Jerome, ID 83338</p>	<p>rewilliams@wmlattys.com</p>
<p>Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC P.O. Box 50130 Idaho Falls, ID 83405</p>	<p>rharris@holdenlegal.com</p>
<p>Randall D. Fife City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405</p>	<p>rfife@idahofallsidaho.gov</p>

<p>Corey Skinner IDWR-Southern Region 1341 Fillmore St., Ste. 200 Twin Falls, ID 83301-3033</p>	<p>corey.skinner@idwr.idaho.gov</p>
<p>Tony Olenichak IDWR-Eastern Region 900 N. Skyline Drive, Ste. A Idaho Falls, ID 83402</p>	<p>Tony.Olenichak@idwr.idaho.gov</p>
<p><i>COURTESY COPY TO:</i> William A. Parsons PARSONS SMITH & STONE P.O. Box 910 Burley, ID 83318</p>	<p>wparsons@pmt.org</p>