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*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.

Case No. CV01-23-08187

**DEPARTMENT'S MOTION TO  
DISMISS PETITION FOR  
JUDICIAL REVIEW AND  
MOTION TO VACATE  
HEARING**

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”), move this Court to dismiss the Ground Water Districts’ Petition for Judicial Review (“Petition”) and to deny Petitioners’ Motion for Expedited Decision, Motion for Injunctive Relief, Motion for Stay, Motion to Compel, and Motion for Order to Show Cause. The Department further requests that the Court vacate the hearing scheduled for June 1, 2023, at 1:30 P.M. This motion is brought pursuant to Idaho Rules of Civil Procedure 12(b)(1), 84(o), Idaho Code § 42-1701A(3), and other applicable law discussed in the *Department’s Brief in Support of Motion to Dismiss Petition for Judicial Review and Motion to Vacate Hearing*. The Court should dismiss the Petition and deny the motions for lack of subject matter jurisdiction because Petitioners have failed to exhaust their administrative remedies.

DATED this 30th day of May 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL



GARRICK L. BAXTER  
Deputy Attorney General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of May 2023, I caused to be served a true and correct copy of the foregoing *Department's Motion to Dismiss Petition for Judicial Review and Motion to Vacate Hearing*, via iCourt E-File and Serve, upon the following:

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