

JUN 02 2023

TRENT TRIPPLE, Clerk  
By ERIC ROWELL  
DEPUTY

**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. )

THE IDAHO DEPARTMENT OF WATER )  
RESOURCES, and GARY SPACKMAN in )  
his capacity as the Director of the Idaho )  
Department of Water Resources, )

Respondents, )

and )

CITY OF POCA TELLO, CITY OF BLISS, )  
CITY OF BURLEY, CITY OF CAREY, )  
CITY OF DECLO, CITY OF DIETRICH, )  
CITY OF GOODING, CITY OF )  
HAZELTON, CITY OF HEYBURN, CITY )  
OF JEROME, CITY OF PAUL, CITY OF )  
RICHFIELD, CITY OF RUPERT, CITY OF )  
SHOSHONE, CITY OF WENDELL, A&B )  
IRRIGATION DISTRICT, BURLEY )  
IRRIGATION DISTRICT, MILNER )  
IRRIGATION DISTRICT, NORTH SIDE )  
CANAL COMPANY, TWIN FALLS CANAL )  
COMPANY, AMERICAN FALLS )  
RESERVOIR DISTRICT #2, MINIDOKA )  
IRRIGATION DISTRICT, and MCCAIN )  
FOODS USA, INC., )

Intervenors. )

Case No. CV01-23-8187

**ORDER GRANTING MOTIONS  
TO DISMISS**

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 )  
 RESERVOIRS DISTRICT NO. 2, BURLEY )  
 IRRIGATION DISTRICT, MILNER )  
 IRRIGATION DISTRICT, MINIDOKA )  
 IRRIGATION DISTRICT, NORTH SIDE )  
 CANAL COMPANY, AND TWIN FALLS )  
 CANAL COMPANY. )

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On May 19, 2023, the Petitioners filed a *Petition for Judicial Review* in this matter along with various *Motions*. On May 30, 2023, the Respondents filed a *Motion to Dismiss the Petition*. The Respondents argue the Court lacks subject matter jurisdiction over this matter due to the Petitioners failure to exhaust their administrative remedies. On that same date members of the Surface Water Coalition filed a *Motion to Dismiss the Petition* on the same or similar grounds.<sup>1</sup> A hearing on the *Motions to Dismiss* was held before the Court on June 1, 2023. For the reasons set forth in the record, the Court granted the *Motions to Dismiss*.

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Motions to Dismiss* filed by the Respondents and the Surface Water Coalition are hereby granted.
2. The *Petition for Judicial Review* filed in the above-captioned proceeding is hereby dismissed.

Dated June 2, 2023



ERIC J. WILDMAN  
 District Judge

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<sup>1</sup> The term "Surface Water Coalition" refers collectively to Intervenor A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2, and Minidoka Irrigation District.

**CERTIFICATE OF SERVICE**

I certify that on this day I served a copy of the attached to:

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Date: 6/2/2023

Trent Tripple  
Clerk of the Court

By Eric Rowell  
Deputy Clerk

