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Irrigation District, Milner Irrigation District,  
North Side Canal Company and Twin Falls  
Canal Company*

**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 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

**Case No. CV01-23-8187**

**INTERVENORS' MOTION FOR  
ATTORNEY FEES**

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.

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY AND FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT NO. 2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY

COMES NOW, Intervenor-Respondents A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively the “Intervenors”), by and through their attorneys of record, and hereby move this Court for an award of attorney fees against Petitioners, Idaho Ground Water Appropriators, Inc., Bonneville-Jefferson Ground Water District and Bingham Ground Water District. This motion is brought pursuant to Idaho Rules of Civil Procedure (I.R.C.P.) 54 and I.C.§ 12-117. The Court should award attorney fees because the Petitioners’ *Motion to Compel*, *Motion for Injunctive Relief*, *Motion for Expedited Decision* and *Motion for Order to Show Cause* were frivolous and lacked a reasonable basis in law or fact. This motion is supported by the Intervenors’ *Joint Brief in Support of Award of Attorney’s Fees and Costs*.

DATED this 16<sup>th</sup> day of June, 2023.

**MARTEN LAW LLP**

/s/ Travis L. Thompson

Travis L. Thompson

*Attorneys for A&B Irrigation District, Burley  
Irrigation District, Milner Irrigation District,  
North Side Canal Company, and Twin Falls  
Canal Company*

## CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of June, 2023, the foregoing was filed electronically using the Court’s e-file system, and upon such filing the following parties were served electronically.

<p>Director Gary Spackman Garrick Baxter Sarah Tschohl Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a> <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a></p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only  <a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a> <a href="mailto:emcgarry@usbr.gov">emcgarry@usbr.gov</a></p>	<p>Tony Olenichak IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only  <a href="mailto:tony.olenichak@idwr.idaho.gov">tony.olenichak@idwr.idaho.gov</a></p>
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