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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**

CITY OF POCATELLO, 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, BINGHAM GROUND

CV01-23-08258

Case No. _____

IDWR Docket No. CM-DC-2010-001

**PETITIONERS' MOTION FOR
ORDER TO SHOW CAUSE**

WATER DISTRICT, BONNEVILLE-
JEFFERSON GROUND WATER DISTRICT,
and MCCAIN FOODS USA, INC.,

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 DISTRIBUTION
OF WATER TO VARIOUS WATER RIGHTS
HELD BY OR 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

Petitioners 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; the Cities of Idaho Falls, Pocatello, Burley, Bliss, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell; Bingham Ground Water District and Bonneville-Jefferson Ground Water District, and McCain Foods USA, Inc. (collectively, the "Petitioners"), hereby move the Court pursuant to Rule 72 of the Idaho Rules of Civil Procedure to compel Gary Spackman, Director of the Department of Water Resources, to appear and show

cause, if any he has, why the Court should not grant *Petitioners' Petition for Writ of Prohibition* and *Petition for Writ of Mandamus* filed herewith.

A writ of prohibition may command a party “to show cause before such court, at a specified time and place, why such party should not be absolutely restrained from any further proceedings in such action or matter.” I.C. § 7-403; *see also* I.R.C.P. 74. A writ of mandamus may command a party “to show cause before the court at a specified time and place why he has not” done an act so required. I.C. § 7-304; *see also* I.R.C.P. 74.

Petitioners move the Court to compel Gary Spackman, Director of the Department of Water Resources, to appear and show cause, if any he has, why the Court should not: (1) instruct the Department to vacate the *Scheduling Order* and *Discovery Order* and reschedule the hearing for late 2023 or early 2024 to accommodate discovery in this matter; (2) instruct the Director to disclose all documents and other information he considered in developing the Fifth Methodology Order, including documents on the Department’s deliberative process; (3) instruct the Director to allow deposition of Department witnesses on issues the Department claims are protected by deliberative process.

Petitioners further move the Court to grant them such other and further relief as is just and proper. This motion is supported by the declarations referenced in the *Complaint for Declaratory Relief, Petition for Writ of Prohibition and Petition for Writ of Mandamus* filed contemporaneously.

DATED this 19th day of May, 2023.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 2023, I caused to be filed a true and correct copy of the foregoing document via iCourt E-File and Serve, and upon such filing, the following parties were served via electronic mail:

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