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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**

CITY OF POCATELLO, CITY OF IDAHO  
FALLS, 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 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,

and

A&B IRRIGATION DISTRICT, BURLEY  
IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, NORTH SIDE

Case No. CV01-23-08258

**DEPARTMENT'S MOTION  
FOR ATTORNEY FEES**

CANAL COMPANY, TWIN FALLS CANAL COMPANY, AMERICAN FALLS RESERVOIR DISTRICT #2, and MINIDOKA IRRIGATION DISTRICT,

Intervenors.

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”), hereby move this Court for an award attorney fees against Petitioners, City of Pocatello, City of Idaho Falls, Coalition of Cities, Bingham Groundwater District, Bonneville-Jefferson Ground Water District, and McCain Foods USA, Inc. (collectively, “Cities”). This motion is brought pursuant to I.R.C.P. 54, Idaho Code § 12-121, Idaho Code § 12-117, and other applicable law discussed in the *Department’s Brief in Support of Motion for Attorney Fees*. The Court must award attorney fees because the Cities’ petitions for writ of prohibition and writ of mandamus were frivolous and lacked a reasonable basis in law or fact.

DATED this 15th day of June 2023.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to read "G. Baxter", is written over a horizontal line.

GARRICK L. BAXTER  
Deputy Attorney General

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June 2023, I caused to be served a true and correct copy of the foregoing *Department's Motion for Attorney Fees*, via iCourt E-File and Serve, upon the following:

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