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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**

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 Director of the Idaho  
Department of Water Resources.

Respondents.

and

**Case No. CV01-23-8258**

**INTERVENORS' MOTION FOR  
ATTORNEY FEES**

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,

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 City of Pocatello, City of Idaho Falls, Coalition of Cities, Bingham Groundwater District, Bonneville-Jefferson Groundwater District and McCain Foods USA, Inc. This motion is brought pursuant to Idaho Rules of Civil Procedure (I.R.C.P.) 54, I.C.§ 12-117 and I.C.§ 12-121. The Court should award attorney fees because the Petitioners’ petitions for writ of prohibition and writ of mandamus 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

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