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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 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.

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

IDWR Docket No. CM-DC-2010-001

**PETITIONERS' MOTION TO  
DISALLOW ATTORNEY COSTS  
AND FEES SOUGHT BY IDWR AND  
SWC**

Fee Category: Exempt  
Idaho Code § 67-2301

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

Respondents,  
and

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 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

COMES NOW Petitioners 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., by and through their respective counsel of record,  
to move the Court pursuant to I.R.C.P. Rule 54(e)(6) to disallow attorney costs and fees  
requested by the Idaho Department of Water Resources (“IDWR”) and the Surface Water  
Coalition (“SWC”). The IDWR and SWC motions for attorney costs and fees fail to satisfy the

statutory and case law standards and should be rejected; in fact, SWC's motion should be denied outright. The Petitioners' claims filed in the captioned matter were not frivolous, and IDWR and/or SWC were not the prevailing parties. These arguments are supported by the *Memorandum Brief in Support of Petitioners' Motion to Disallow Costs and Fees Sought by IDWR and SWC* filed contemporaneously herewith.

Respectfully submitted this 29th day of June, 2023.

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By   
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 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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