Electronically Filed 5/19/2023 12:35 PM Fourth Judicial District, Ada County Trent Tripple, Clerk of the Court By: Eric Rowell, Deputy Clerk

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## DISTRICT COURT OF THE STATE OF IDAHO FOURTH JUDICIAL DISTRICT ADA COUNTY

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 the Director of the Idaho Department of Water Resources.

Respondents.

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 CV01-23-08187

Case No.

Ground Water Districts' Motion for Order to Show Cause

## IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY

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; and Bingham Ground Water District; and Bonneville-Jefferson Ground Water District (collectively, the "Ground Water Districts"), hereby move the Court pursuant to Rule 72 of the Idaho Rules of Civil Procedure to compel Gary Spackman, Director of the Idaho Department of Water Resources, to appear and show cause, if any they have, why this Court should not grant *Ground Water Districts' Motion for Injunctive Relief*, and *Ground Water Districts' Motion for Expedited Decision* filed herewith, referred to collectively herein as the "Motions." Specifically, the Ground Water Districts move the Court to compel Director Spackman to appear and show cause, if any they have, why the Court should not:

- 1) Stay implementation the *Fifth Methodology Order* until after it is properly adjudicated, and, in until then, administer water rights under the *Fourth Methodology Order*;
- 2) Continue the after-the-fact hearing currently scheduled for June 6-10, 2023, to October 16-20, 2023, to give the Ground Water Districts adequate time to prepare for the hearing;
- 3) Disclose all documents and other information he considered in developing the *Fifth Methodology Order*;
- 4) Allow the Ground Water Districts to depose and, if needed, call as witnesses any Department staff member who contributed to development of the *Fifth Methodology Order* or the *April 2023 As-Applied Order*;
- 5) Instruct counsel for the Director to refrain from instructing Department deponents or witnesses to not answer questions at depositions or the hearing on the basis that the information pertains to the Director's deliberative process;
- 6) Vacate the Director's Notice of Hearing, Notice of Prehearing Conference, and Order Authorizing Discovery ("Order Limiting Discovery"), and Order Denying the Cities' Motion for Appointment of Independent Hearing Officer and Motion for Continuance and Limiting Scope of Depositions ("Order Limiting Evidence") issued May 5, 2023.

This motion is supported by *Ground Water Districts Brief in Support of Motion for Stay, Motion to Compel, Motion for Injunctive Relief, Motion for Expedited Decision, and Motion for Order to Show Cause* and the *Declaration of Thomas J. Budge* filed herewith.

DATED this 19<sup>th</sup> day of May, 2023.

RACINE OLSON, PLLP

OLSEN & TAGGART PLLC

Imon Bv:

Thomas J. Budge Attorneys for IGWA

By:

Signed for: Skyler C. Johns Attorneys for Bonneville-Jefferson Ground Water District

DYLAN ANDERSON LAW

By:

Signed for: Dylan Anderson Attorney for Bingham Ground Water District

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of May, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:

Thomas J. Budge

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