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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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