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Canal Company*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

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 Director of the Idaho
Department of Water Resources.

Respondents,

and

CITY OF POCATELLO, 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

Case No. CV01-23-8187

**INTERVENORS' MOTION FOR
ATTORNEY FEES**

SHOSHONE, CITY OF WENDELL, A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, TWIN FALLS CANAL COMPANY, AMERICAN FALLS RESERVOIR DISTRICT #2, MINIDOKA IRRIGATION DISTRICT, and MCCAIN FOODS USA, INC.,

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, Idaho Ground Water Appropriators, Inc., Bonneville-Jefferson Ground Water District and Bingham Ground Water District. This motion is brought pursuant to Idaho Rules of Civil Procedure (I.R.C.P.) 54 and I.C.§ 12-117. The Court should award attorney fees because the Petitioners’ *Motion to Compel*, *Motion for Injunctive Relief*, *Motion for Expedited Decision* and *Motion for Order to Show Cause* 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 16th day of June, 2023.

MARTEN LAW LLP

/s/ Travis L. Thompson

Travis L. Thompson

*Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2023, the foregoing was filed electronically using the Court’s e-file system, and upon such filing the following parties were served electronically.

<p>Director Gary Spackman Garrick Baxter Sarah Tschohl Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail file@idwr.idaho.gov gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov</p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only mhoward@usbr.gov emcgarry@usbr.gov</p>	<p>Tony Olenichak IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only tony.olenichak@idwr.idaho.gov</p>
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