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District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
DEC - 5 2016	
By _____	Clerk
_____	Deputy Clerk

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

McCain Foods USA, Inc.

Petitioner

vs.

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

Respondents.

Case No.: CV01-16021480

**JOINT MOTION TO STAY
PROCEEDINGS AND
MEMORANDUM IN SUPPORT**

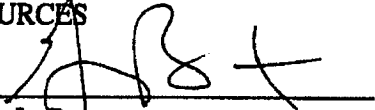
Petitioner, McCain Foods USA, Inc. ("McCain"), and Respondents, the Idaho Department of Water Resources and its Director Gary Spackman ("Department"), by and through their attorneys of record, jointly move this Court pursuant to Idaho Rule of Civil Procedure 84(o) to stay proceedings in the above-captioned matter pending issuance of a final order by the Director of the Department ("Director") following a hearing on the November 4, 2016, *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* ("GWMA Order") and until further order of this Court. This joint motion is based on the following facts:

On November 16, 2016, the City of Pocatello; Sun Valley Company; and the Cities of Bliss, Buhl, Burley, Care, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, and Wendell timely filed with the Department petitions for reconsideration of the GWMA Order. Sun Valley Company also filed a petition requesting a hearing on the GWMA Order pursuant to Idaho Code § 42-1701A(3). On November 17, 2016, McCain filed in the above-captioned matter its *Notice of Appeal and Petition for Judicial Review of Agency Action* regarding the GWMA Order ("McCain's Petition").

On December 2, 2016, the Director issued an *Order Granting Request for Hearing; Notice of Pre-Hearing Conference* granting Sun Valley Company's request for hearing on the GWMA Order. So parties to the underlying administrative proceeding may exhaust their administrative remedies, McCain and the Department request that the Court stay proceedings on McCain's Petition pending issuance of a final order by the Director following a hearing on the GWMA Order and until further order of this Court. *See Order Staying Petition Until Further Order of Court*, Case No. CV-2008-0000551 (5th Jud. Dist. Oct. 10, 2008).

Respectfully submitted this 5TH day of December 2016.

IDAHO DEPARTMENT OF WATER
RESOURCES

By: 
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*Attorney for Gary Spackman and
the Idaho Department of Water Resources*

MCHUGH BROMLEY, PLLC


By: 
Candice M. McHugh

Attorney for McCain Foods USA, Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December 2016, the foregoing was filed, served, or copied as follows:

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