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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**

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 Director of the Idaho
Department of Water Resources.

Respondents.

and

Case No. CV01-23-8258

**INTERVENORS' MOTION FOR
ATTORNEY FEES**

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 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 City of Pocatello, City of Idaho Falls, Coalition of Cities, Bingham Groundwater District, Bonneville-Jefferson Groundwater District and McCain Foods USA, Inc. This motion is brought pursuant to Idaho Rules of Civil Procedure (I.R.C.P.) 54, I.C.§ 12-117 and I.C.§ 12-121. The Court should award attorney fees because the Petitioners’ petitions for writ of prohibition and writ of mandamus 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

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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.

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