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**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.

Case No. CV01-23-8258

IDWR Docket No. CM-DC-2010-001

**PETITIONERS' MOTION TO
DISALLOW ATTORNEY COSTS
AND FEES SOUGHT BY IDWR AND
SWC**

Fee Category: Exempt
Idaho Code § 67-2301

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

Respondents,

and

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 OR 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

COMES NOW Petitioners 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., by and through their respective counsel of record, to move the Court pursuant to I.R.C.P. Rule 54(e)(6) to disallow attorney costs and fees requested by the Idaho Department of Water Resources (“IDWR”) and the Surface Water Coalition (“SWC”). The IDWR and SWC motions for attorney costs and fees fail to satisfy the

statutory and case law standards and should be rejected; in fact, SWC’s motion should be denied outright. The Petitioners’ claims filed in the captioned matter were not frivolous, and IDWR and/or SWC were not the prevailing parties. These arguments are supported by the *Memorandum Brief in Support of Petitioners’ Motion to Disallow Costs and Fees Sought by IDWR and SWC* filed contemporaneously herewith.

Respectfully submitted this 29th day of June, 2023.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2023, I caused to be filed a true and correct copy of the foregoing document via iCourt E-File and Serve, and upon such filing, the following parties were served via electronic mail:

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