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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

BONNEVILLE JEFFERSON GROUND
WATER DISTRICT,

Petitioner,

vs.

A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR
DISTRICT #2, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY (COLLECTIVELY THE
“SURFACE WATER COALITION”), THE
IDAHO GROUND WATER
APPROPRIATORS, INC., an Idaho non-
profit corporation, FREMONT-MADISON
IRRIGATION DISTRICT, JEFFERSON-
CLARK GROUND WATER DISTRICT,
BINGHAM GROUND WATER DISTRICT,

Case No. CV10-24-2909

**RESPONDENTS’ MOTION TO
DISQUALIFY HONORABLE JUDGE
DANE H. WATKINS JR. WITHOUT
CAUSE**

AMERICAN FALLS-ABERDEEN
GROUND WATER DISTRICT, MAGIC
VALLEY GROUND WATER DISTRICT,
NORTH SNAKE GROUND WATER
DISTRICT, CAREY VALLEY GROUND
WATER DISTRICT, JOHN AND JANE
DOES 1-50,

Respondents.

COME NOW, Respondents A&B IRRIGATION DISTRICT, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, and TWIN FALLS CANAL COMPANY, by and through counsel of record, and move to disqualify, without cause, the Honorable Judge Dane H. Watkins Jr., from presiding over this matter in the Seventh Judicial District, Bonneville County Court.

LEGAL BACKGROUND

On May 23, 2024, Bonneville Jefferson Ground Water District (“Petitioner”) filed the *Petition for Declaratory Judgement, Equitable and Injunctive Relief, and Breach of Contract* in the District Court for the Seventh Judicial District for the State of Idaho, in and for the County of Bonneville. Under I.R.C.P. Rule 40(a), in all civil actions and petitions for judicial review, each party has the right to file one motion for disqualification of the assigned judge, which does not require the statement of any grounds under certain conditions and procedures. Applicable here is I.R.C.P. 40(a)(1):

The motion to disqualify must be filed not later than 7 days after service of a written notice or order setting the action for status conference, pretrial conference, trial or for hearing on the first contested motion, or not later than 21 days after service or receipt of a complaint, summons, order or other pleading indicating or specifying who the presiding judge to the action will be, whichever occurs first. The motion must be filed before the judge sought to be disqualified has presided over a status conference, a pretrial conference, a contested proceeding or trial.

MOTION

The Respondents hereby move under I.R.C.P. 40(a)(1) to disqualify the Honorable Judge Dane H. Watkins Jr. from this proceeding. I.R.C.P. 40(a)(1) is applicable here because no conference has been scheduled, 21 days have not passed since the initial Petition was filed on May 23, 2024, and the judge has not yet presided over any portion of this action. The initial Petition is the only document currently filed in this proceeding. Therefore, the above-named Respondents are properly situated to use their one motion for disqualification without cause of the Honorable Judge in the matter above. Under I.R.C.P. 40(a)(1), no justifications for qualification are necessary.

CONCLUSION

For these reasons, the Respondents respectfully ask the Court to disqualify Honorable Judge Dane H. Watkins Jr. from presiding over this matter, without cause.

DATED this 10th day of June, 2024.

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Travis L. Thompson
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*Attorney 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 10th day of June, 2024, 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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