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*Attorneys for Plaintiff City of Pocatello*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS**

CITY OF POCATELLO,

Plaintiff,

vs.

IDAHO WATER RESOURCES BOARD,  
IDAHO DEPARTMENT OF WATER  
RESOURCES, GARY SPACKMAN, in his  
capacity as Director of the Idaho Department of  
Water Resources, and TONY OLENICHAK, in  
his capacity as Water District 01 Watermaster,

Defendants,

and

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

**Case No. CV42-23-1668**

**UNOPPOSED MOTION TO  
VACATE HEARING**

Fee Category: Exempt  
Idaho Code § 67-2301

RUPERT, CITY OF SHOSHONE, and CITY OF  
WENDELL,

Intervenors.


COMES NOW the City of Pocatello (“Pocatello”), by and through its attorneys of record, Somach Simmons & Dunn, P.C., and hereby moves the Court to vacate the hearing scheduled for June 28, 2023 in the above-captioned matter. No party or intervenor-movant opposes the intervention of the Spaceholders or the Coalition of Cities, so a hearing is unnecessary. Pocatello has conferred with all other parties and intervenor-movants and confirmed that there is no opposition to vacating this hearing. This motion is filed contemporaneously with Pocatello’s *Notice of Non-Opposition to Spaceholders’ Motion to Intervene*.

DATED this 27th day of June, 2023.

CITY OF POCATELLO

/s/ Richard A. Diehl, Jr.  
Richard A. Diehl, Jr., ISB #4969  
Deputy City Attorney

SOMACH SIMMONS & DUNN, P.C.

  
Sarah A. Klahn, ISB #7928  
Maximilian C. Bricker, ISB #12283

*Attorneys for Plaintiff City of Pocatello*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th 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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