

Randall C. Budge (ISB #: 1949)
Carol Tippi Volyn (ISB#: 6371)
RACINE, OLSON, NYE,
BUDGE & BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391
Telephone: (208)232-6101
Fax: (208)232-6109

DISTRICT COURT SIXTH JUDICIAL DISTRICT	
FILED <u>6.6.14</u>	TIME <u>12:18</u>
CHRISTINE STEINLICHT, CLERK	
BY <u>J. Amm</u>	DEPUTY

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF POWER

ABERDEEN-SPRINGFIELD CANAL
COMPANY, an Idaho Corporation,
JEFFREY and CHANA DUFFIN,
individually, as stockholders, and as
husband and wife,

Plaintiffs,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, an executive department
of the State of Idaho,

Defendant.

Case No.

CV 2014-1165

**MOTION FOR ISSUANCE OF
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

COME NOW Plaintiffs, Aberdeen-Springfield Canal Company and Jeffrey and Chana Duffin, by and through their counsel of record, Randall C. Budge of Racine, Olson, Nye, Budge & Bailey, Chartered, and move this Court to issue a Temporary Restraining Order, and, after hearing, a preliminary injunction, enjoining, prohibiting, and restraining Defendant Idaho Department of Water Resources and all of their agents and employees from (a) undertaking any action to prevent the operation of the ground water well located in Section 20, Township 5

**MOTION FOR ISSUANCE OF TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION - Page 1**

South, Range 31 East, (b) curtailing the use of water from the well described herein through any possible means, and (c) undertaking any other action that would prevent the irrigation of the approximately 175 acres owned by Jeffrey and Chana Duffin located within this region.

Plaintiffs further move this Court for an Order directing the Defendant to appear and show cause, if any it has, at a date and time certain why the Court should not continue the Temporary Restraining Order as a preliminary injunction that will continue in full force and effect during the pendency of this action or until agreement of the parties or further Court order.

This Motion is made upon the grounds and for the reasons set forth in Plaintiffs' Complaint for Declaratory Relief, Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Issuance of Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction, the Affidavit of Steve Howser, the Affidavit of Jeffrey Duffin, and all other documents and pleadings on file in this matter.

DATED this 6th day of June, 2014.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: Carl Lipi-Vals for:
RANDALL C. BUDGE

CERTIFICATE OF SERVICE

I certify that on this 6th day of June, 2014, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Attn: Deborah Gibson deborah.gibson@idwr.idaho.gov kimi.white@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
James Cefalo Water Master 900 N. Skyline Dr, Ste. A Idaho Falls, Idaho 83402 james.cefalo@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
John Homan Deputy Attorney General P.O. Box 83720 Boise, Idaho 83720-0098 john.homan@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Chamber's Copy Honorable Stephen S. Dunn Bannock County Courthouse 624 E. Center, Room 220 Pocatello, Idaho 83205	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail