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*Attorneys for Objector State of Idaho*

RECEIVED

Feb 22, 2024

DEPARTMENT OF  
WATER RESOURCES

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

IN RE: CSRBA

Case No. 49576

Consolidated Subcase No: 95-2067, 95-9115,  
& 95-9119

**STATE OF IDAHO'S MOTION TO  
STRIKE THE COEUR D' ALENE  
TRIBE'S RESPONSE TO AVISTA'S  
MOTION FOR CLARIFICATION AND  
JOINDER IN AVISTA'S MOTION FOR  
CLARIFICATION AND MOTION FOR  
EXPEDITED HEARING**

**Oral Argument Requested**

COMES NOW the State of Idaho and joins and adopts Avista's Motion for Clarification and supporting documents and moves this Court for an Order to Strike the Coeur d' Alene Tribe's

Response to Avista's Motion For Clarification. This Motion to Strike is based upon Rules 7 and 16 of the Idaho Rules of Civil Procedure and the relevant Idaho case law concerning standing and party status on the grounds that: 1) the Tribe has not been, and is currently not a party in this subcase; 2) the Tribe lacks standing to file such motion; and 3) it appears that the Tribe's Response is designed to circumvent Administrative Order 1 and the Idaho Rules of Civil Procedure to once again attempt to gain an unfair and prejudicial advantage over the opposing parties in this matter.

Additionally, the State requests an expedited hearing on this Motion to Strike in the interests of fairness and judicial economy.

For the reasons set forth above and those that may be presented at the hearing in this matter, the State of Idaho respectfully requests that the Court Strike the Coeur d' Alene Tribe's Response to Avista's Motion for Clarification and proceed to clarify the issues set out in Avista's motion.

DATED this 22nd day of February, 2024



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David S. Perkins  
Deputy Attorney General

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of February, 2024, I caused to be served a true and correct copy of the foregoing document by the methods indicated:

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