

A. Dean Tranmer I.B. # 2793
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)
dtranmer@pocatello.us

Sarah A. Klahn, #7928
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

Attorneys for the City of Pocatello

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

IDAHO GROUND WATER)
APPROPRIATORS, INC.,)
)
Petitioners,)
)
vs.)
)
CITY OF POCATELLO,)
)
Petitioner,)
)
vs.)
)
TWIN FALLS CANAL COMPANY, NORTH)
SIDE CANAL COMPANY, A&B IRRIGATION)
DISTRICT, AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION DISTRICT,)
and MINIDOKA IRRIGATION DISTRICT,)
)
Petitioners,)

RECEIVED
MAR 21 2014
DEPARTMENT OF
WATER RESOURCES

Consolidated Case No. CV-2010-382

(consolidated Gooding County
Cases CV-2010-382, 2010-383, 2010-
384, 2010-387, 2010-388, and Twin
Falls County Cases CV-2010-3403,
2010-5520, 2010-5946, 2012-2096,
2013-2305, 2013-4417, and Lincoln
County Case CV-2013-155)

**CITY OF POCATELLO'S
OBJECTION TO THE CLERK'S
RECORD**

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

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, the City of Pocatello (“Pocatello”), by and through its counsel of record, and respectfully objects pursuant to Idaho Appellate Rule 29(a) to the clerk’s record filed in this matter.

This matter involves appeals of orders entered in a delivery call filed by the Surface Water Coalition with the Idaho Department of Water Resources in 2005. This matter has been before this Court previously in Gooding County Case No. CV 2008-551, and before the Idaho Supreme Court in a consolidated appeal, Docket No. 38191-2010, 38192-2010 and 38193-2010 (*In Matter of Distribution of Water to Various Water Rights Held By or For Benefit of A & B Irrigation Dist.*, 315 P.3d 828, 831 (2013)).

The clerk’s record contains some, but not all of the documents filed with the district court in Gooding County Case No. CV 2008-551. Pocatello requests that the following documents filed in that case be included in the record on appeal:

1. Surface Water Coalition’s Response to IGWA’s and City of Pocatello’s Motion for Stay and to Augment the Record with Additional Evidence 06/02/10

2. Surface Water Coalition's Motion for Clarification 09/02/10
3. Idaho Ground Water Appropriators, Inc.'s Second Amended Notice of Appeal 01/26/11
4. City of Pocatello's Second Amended Notice of Appeal 01/27/11
5. Idaho Ground Water Appropriators, Inc.'s Third Amended Notice of Appeal 01/28/11

The following document filed in Gooding County Case No. CV 2008-551, was listed on the clerk's index, bates range 10589-10602, but was not included on the discs from the department.

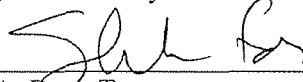
6. Amended Order on Petitions for Rehearing; Order Denying Surface Water Coalition's Motion for Clarification 09/09/10

The clerk's record also contains certain documents filed in the Idaho Supreme Court consolidated appeal, Docket No. 38191-2010, 38192-2010 and 38193-2010. Accordingly, Pocatello requests that the following documents filed in that Idaho Supreme Court consolidated appeal be included in the clerk's record on appeal:

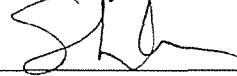
7. Order Adopting District Court Order 12/23/10
8. Surface Water Coalition's Opening Brief 07/29/11

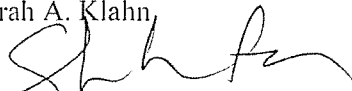
Respectfully submitted, this 21st day of March, 2014.

CITY OF POCATELLO ATTORNEY'S OFFICE
Attorneys for the City of Pocatello

By 
A. Dean Tranmer

WHITE & JANKOWSKI, LLP
Attorneys for the City of Pocatello

By 
Sarah A. Klahn

By 
Mitra M. Pemberton

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March, 2014, I caused to be served a true and correct copy of the foregoing **City of Pocatello's Objection to the Clerk's Record in Consolidated Case No. CV-2010-382, Gooding County** upon the following by the method indicated:



 Sarah Klahn, White & Jankowski, LLP

SRBA District Court 253 – 3 rd Ave North PO Box 2707 Twin Falls ID 83303-2707	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input checked="" type="checkbox"/> Facsimile 208-736-2121, Phone 208-736-3011 <input type="checkbox"/> Email
Gary Spackman, Director IDWR PO Box 83720 Boise ID 83720-0098 deborah.gibson@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile 208-287-6700, Phone 208-287-4942 <input checked="" type="checkbox"/> Email
Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson 195 River Vista Place Ste 204 Twin Falls ID 83301-3029 tlt@idahowaters.com pla@idahowaters.com	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-735-2444 <input checked="" type="checkbox"/> Email
W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 wkf@pmt.org	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-878-2548 <input checked="" type="checkbox"/> Email
Garrick L. Baxter Deputy Attorneys General – IDWR PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-287-6700 <input checked="" type="checkbox"/> Email
Randall C. Budge Thomas J. Budge Racine Olson Nye Budge & Bailey 201 E Center St / PO Box 1391 Pocatello ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-232-6109 <input checked="" type="checkbox"/> Email
Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 dtranmer@pocatello.us	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-234-6297 <input checked="" type="checkbox"/> Email