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*Attorneys for Respondents-Respondents on Appeal*

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

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. )

**Supreme Court Docket No. 38191-2010**  
(consolidated with nos. 38192-2010,  
38193-2010, & 38194-2010)

Gooding County Case No. CV-2008-551

**MOTION TO WITHDRAW  
NOTICE OF APPEAL**

\_\_\_\_\_  
A&B IRRIGATION DISTRICT, )  
AMERICAN FALLS RESERVOIR )  
DISTRICT #2, BURLEY IRRIGATION )  
DISTRICT, MILNER IRRIGATION )  
DISTRICT, MINIDOKA IRRIGATION )  
DISTRICT, NORTH SIDE CANAL )  
COMPANY, TWIN FALLS CANAL )  
COMPANY, UNITED STATES OF )  
AMERICA, BUREAU OF RECLAMATION, )

Petitioners-Respondents, )  
 )  
 and )  
 )  
 IDAHO DAIRYMEN’S ASSOCIATION, )  
 INC., )  
 )  
 Cross Petitioner-Respondent, )  
 )  
 v. )  
 )  
 GARY SPACKMAN, in his capacity as )  
 Interim Director of the Idaho Department )  
 of Water Resources, and the IDAHO )  
 DEPARTMENT OF WATER )  
 RESOURCES, )  
 )  
 Respondents-Respondents on Appeal. )  
 )  
 and )  
 )  
 IDAHO GROUND WATER APPROPRIATORS )  
 INC., )  
 )  
 Intervenor-Appellant, )  
 )  
 And )  
 )  
 THE CITY OF POCA TELLO,L )  
 )  
 Intervenor-Respondent. )  
 )

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COME NOW Appellants, the Idaho Department of Water Resources and Gary Spackman, Interim Director (collectively referred to herein as “IDWR”), and hereby move the Court, pursuant to Idaho Appellate Rule 32, to authorize the withdrawal of its *Notice of Appeal*,

filed on October 21, 2010. IDWR will participate in the above-captioned appeals as respondents.

DATED this 14<sup>th</sup> day of April, 2011.

LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
CHIEF, NATURAL RESOURCES DIVISION



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CHRIS M. BROMLEY  
Deputy Attorney General  
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of April, 2011, I caused a true and correct copy of the foregoing Motion to Withdraw Notice of Appeal to be filed with the Court and served on the following parties by the indicated methods:

Idaho Supreme Court 451 W. State St. (83702) P.O. Box 83720 Boise, ID 83720-0101	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Gooding County District Court 624 Main Street PO Box 417 Gooding, ID 83330	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Tom Arkoosh CAPITOL LAW GROUP, PLLC P.O. Box 2598 Boise, ID 83701-2598 (208) 424-8873 <a href="mailto:tarkoosh@capitolawgroup.net">tarkoosh@capitolawgroup.net</a>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
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<p>Ignacia Moreno  David W. Gehlert  Natural Resource Section  US Dept. of Justice  999 18th St – Ste 370  Denver, CO 80202  <a href="mailto:David.gehlert@usdoj.gov">David.gehlert@usdoj.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>
<p>Kathryn E. Kovacs  United States Department of Justice  Environment and Natural Resources Div.  Appellate Section  P.O. Box 23795  Washington, D. C. 20026  <a href="mailto:Kathryn.Kavacs@usdoj.gov">Kathryn.Kavacs@usdoj.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>



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