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**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.,

Petitioner,

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,

District Court - SRBA  
 Fifth Judicial District  
 In Re: Administrative Appeals  
 County of Twin Falls - State of Idaho

**DEC 30 2014**

By \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Deputy Clerk

Supreme Court No. 42778

**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 NOTICE  
 OF APPEAL**

Fee category: exempt

**FILED - ORIGINAL**

**DEC 31 2015**

Supreme Court \_\_\_\_\_ Court of Appeals \_\_\_\_\_  
 Entered on ATS by \_\_\_\_\_

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 )  
 \_\_\_\_\_ )

TO: THE ABOVE-NAMED PETITIONERS, IDAHO GROUND WATER APPROPRIATORS, INC., 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, AND RESPONDENTS GARY SPACKMAN, IN HIS CAPACITY AS DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES, AND THE IDAHO DEPARTMENT OF WATER RESOURCES, AND THE PARTIES' ATTORNEYS AS IDENTIFIED ON THE CERTIFICATE OF SERVICE BELOW; AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant, THE CITY OF POCATELLO ("Appellant") appeals the following orders of the District Court, the Honorable Eric J. Wildman presiding: an *Order Denying Petitions for Rehearing*, entered November 17, 2014; an *Order Denying Motion to Alter or Amend Judgment*, entered November 17, 2014; a *Memorandum Decision and Petition for Judicial Review* entered September 26, 2014; and a *Judgment ("Judgment")*, entered on September 26, 2014.

2. The Appellant has a right to appeal to the Idaho Supreme Court pursuant to Rule 11(f) of the Idaho Appellate Rules.

3. The following is a preliminary statement of issues Pocatello intends to assert on appeal, provided this list shall not prevent the Appellant from asserting other issues on appeal:

- a. Whether the 2010 Methodology Order calculates Reasonable In Season Demand in a manner consistent with Idaho law and the law of the case.

- b. Whether the 2010 Methodology Order calculates Forecast Supply in a manner consistent with Idaho law and the law of the case.
4. No order has been entered sealing any portion of the record.
  5. Appellant does not request a transcript of hearings before this Court, but requests a copy of the transcript from the agency proceedings before the Idaho Department of Water Resources, which were previously included in the record before this Court.
  6. The Appellant requests that all documents, exhibits, filings and transcripts that are part of the agency record in this case, plus all documents automatically included in the record under Rule 28 of the Idaho Appellate Rules, be made a part of the clerk's record on appeal, including the clerk's record in Gooding County Case No. CV-2008-551.
  7. The Appellant requests that all of the exhibits included in the agency record be copied and sent to the Supreme Court.
  8. I certify:
    - a. That a copy of this notice of appeal has been served on the reporter.
    - b. That the fee required for the preparation of the reporter's transcript was paid in conjunction with the District Court's judicial review of this action.
    - c. That the estimated fee for preparation of the clerk's record has been paid.
    - d. That Appellant is exempt from the filing fee pursuant to Idaho Code section 67-2301.
    - e. That service has been made upon all parties required to be served pursuant to Idaho Appellate Rule 20.

Respectfully submitted, this 29<sup>th</sup> day of December, 2014.

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

By *John Tranmer*  
A. Dean Tranmer

WHITE & JANKOWSKI, LLP  
Attorneys for the City of Pocatello

By *Sarah A. Klahn*  
Sarah A. Klahn

By *Mitra M. Pemberton*  
Mitra M. Pemberton

State of Idaho  
County of Twin Falls ss.  
I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.

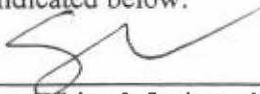
KRISTINA GLASCOCK  
CLERK OF THE DISTRICT  
COURT

By *Daniel Murphy*  
Deputy Clerk



## CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2014, I caused to be served a true and correct copy of the foregoing **City of Pocatello's Notice of Appeal** in **SRBA Case No. CV-2010-382, Gooding County** upon the following by the method indicated below:

  
 \_\_\_\_\_  
 Sarah Klahn, White & Jankowski, LLP

Julie Murphy, Deputy Clerk SRBA District Court 253 3rd Ave North P.O. Box 2707 Twin Falls ID 83303-2707	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile 208-736-2121, Phone 208-736-3011 <input type="checkbox"/> Email
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Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello ID 83201 dtranmer@pocatello.us	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile 208-234-6297 <input checked="" type="checkbox"/> Email