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Attorneys for City of Pocatello

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

**JAN 16 2015**

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

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

2015 JAN 23 AM 9:01  
RECEIVED  
IDAHO SUPREME COURT  
COURT OF APPEALS

CITY OF POCATELLO )  
Petitioner, )

vs. )

RANCHON, INC., )  
Petitioner, )

vs. )

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

IDAHO GROUND WATER )  
APPROPRIATORS, INC., FREMONT )  
MADISON IRRIGATION DISTRICT, A&B )  
IRRIGATION DISTRICT, BURLEY )  
IRRIGATION DISTRICT, MILNER )  
IRRIGATION DISTRICT, AMERICAN )  
FALLS RESERVOIR DISTRICT #2, )  
MINIDOKA IRRIGATION DISTRICT, )  
NORTH SIDE CANAL COMPANY, TWIN )  
FALLS CANAL COMPANY )  
Intervenors. )

Case No. CV-2014-1338

(Consolidated Gooding County Case  
No. CV-2014-179)

**CITY OF POCATELLO'S NOTICE OF  
APPEAL**

Fee Category: Exempt

Supreme Court No. 42836

FILED - ORIGINAL

**JAN 23 2015**

Supreme Court Court of Appeals  
Entered on file by kg

TO: THE ABOVE-NAMED RESPONDENTS, 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, CITY OF POCA TELLO ("Appellant") appeals the following orders of the District Court, the Honorable Eric J. Wildman presiding: an *Order Denying Petitions for Rehearing*, entered December 5, 2014; a *Memorandum Decision and Order on Petitions for Judicial Review* entered October 24, 2014; and a *Judgment ("Judgment")*, entered on October 24, 2014.

2. The Appellant has a right to appeal to the Idaho Supreme Court pursuant to Rule 14(f) of the Idaho Appellate Rules.

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

- a. Whether the District Court erred in rejecting the Director's trim line to reduce the zone of curtailment.
- b. Whether the District Court erred in making a finding of fact that 1.5 cfs is a "meaningful" amount of water to Rangen.

4. No order has been entered sealing any portion of the record.

5. The 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.

7. The Appellant requests that all of the exhibits included in the agency record be copied and sent to the Idaho 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 the 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 15th day of January, 2015.

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

By *A. Dean Tranmer*  
A. Dean Tranmer

WHITE & JANKOWSKI, LLP  
Attorneys for the City of Pocatello

By *Sarah A. Klahn*  
Sarah A. Klahn

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 *Kristina Glascock*  
Deputy Clerk



**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of January, 2015, 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-2014-1338 (Consolidated Gooding County Case No. CV-2014-179)** upon the following by the method indicated:

  
 Sarah Klahn, White & Jankowski, LLP

SRBA District Court 253 - 3 <sup>rd</sup> Ave North PO 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 (Phone 208-736-3011) <input type="checkbox"/> Facsimile 208-736-2121 <input type="checkbox"/> Email
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<p>Jerry Rigby Rigby Andrus &amp; Rigby Law Attorneys at Law 25 North Second East Rexburg ID 83440 jrigby@rex-law.com</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 208-356-0768 <input checked="" type="checkbox"/> Email</p>
<p>John K. Simpson Travis L. Thompson Paul L. Arrington Baker Roshok &amp; Simpson 199 River Vista Place Ste 204 Twin Falls ID 83301-3029 tk@idahowaters.com jt@idahowaters.com pl@idahowaters.com jlr@idahowaters.com</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 208-735-2444 <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 wkf@pmt.org</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 208-878-2548 <input checked="" type="checkbox"/> Email</p>

Via U.S. mail, postage prepaid to:  
Sabina Vazquez  
Court Reporter  
PO Box 2707  
Twin Falls ID 83303-2707