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ATTORNEYS FOR THE CITY OF POCATELLO

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION)
OF WATER TO VARIOUS WATER) Docket No. CM-DC-2010-001
RIGHTS HELD BY OR FOR THE)
BENEFIT OF A&B IRRIGATION) **CITY OF POCATELLO'S RESPONSE TO**
DISTRICT, AMERICAN FALLS) **SWC'S AND IGWA'S STIPULATED MOTION**
RESERVOIR DISTRICT #2, BURLEY) **TO REINSTATE THE THIRD METHODOLOGY**
IRRIGATION DISTRICT, MILNER) **ORDER, AND MOTION**
IRRIGATION DISTRICT, MINIDOKA)
IRRIGATION DISTRICT, NORTH SIDE)
CANAL COMPANY, AND TWIN FALLS)
CANAL COMPANY)
_____)

The City of Pocatello ("Pocatello"), by and through counsel, submits this *Response to Surface Water Coalition's and IGWA's Stipulated Motion to Reinstate The Third Amended Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* ("Motion"), filed March 9, 2016.

On March 15, 2016, Pocatello and the Surface Water Coalition (“SWC”) entered into an *Interim Mitigation Agreement*, which the SWC has agreed is sufficient to mitigate for any injury caused to the SWC by participating ESPA municipal entities, including Pocatello, through December 31, 2016. Accordingly, Pocatello does not object to reinstating for the 2016 irrigation season the Director’s *Third Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Third Methodology Order”), dated April 17, 2015.

On April 30, 2015, Pocatello filed a *Request for Hearing, Motion to Authorize Discovery and Request for Stay* regarding the Third Methodology Order. Pocatello renews its requests therein if the Third Methodology Order is reinstated. Like the SWC and the Idaho Ground Water Appropriators, Inc., Pocatello also requests that the Director grant a hearing on the Third Methodology Order, but stay any action on the Third Methodology Order, including a determination of the scope of that hearing. Motion at 3. Pocatello will notify the Director when it requests that the stay be lifted.

Pocatello is authorized to state that the Surface Water Coalition does not oppose the request herein.

Respectfully submitted this 18th day of March, 2016.

CITY OF POCATELLO ATTORNEY’S OFFICE

By  FOR
A. Dean Tranmer

WHITE & JANKOWSKI

By 
Mitra M. Pemberton

By  _____
Sarah A. Klahn

ATTORNEYS FOR CITY OF POCA TELLO

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2016, I caused to be served a true and correct copy of the foregoing **CITY OF POCATELLO'S RESPONSE TO SWC'S AND IGWA'S STIPULATED MOTION TO REINSTATE THE THIRD METHODOLOGY ORDER, AND MOTION** in **Docket No. CM-DC-2010-001** upon the following by the method indicated:



Sarah Klahn, White & Jankowski, LLP

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