

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

IN THE MATTER OF THE PETITION FOR	)	
DELIVERY CALL OF A&B IRRIGATION	)	CM-DC-2011-001
DISTRICT FOR THE DELIVERY OF GROUND	)	
WATER AND FOR THE CREATION OF A	)	<b>ORDER DENYING MOTIONS</b>
GROUND WATER MANAGEMENT AREA	)	<b>TO STRIKE</b>
	)	
	)	
	)	
	)	

---

On March 14, 2011, the Director of the Idaho Department of Water Resources (“Director” or “Department”) received the *City of Pocatello’s Proposed Order on Remand* and *Motion for the Director to Consider City of Pocatello’s Proposed Order on Remand* (“Motion and Proposed Order”).

On March 16, 2011, the Department received *A&B Irrigation District’s Motion to Strike* in response to the City of Pocatello’s (“Pocatello”) Motion and Proposed Order. On March 28, 2011, the Department received the Idaho Ground Water Appropriators, Inc. (“IGWA”) *Response to City of Pocatello’s Motion for the Director to Consider the City of Pocatello’s Proposed Order on Remand* (“Response”). On March 30, 2011, the Department received a second *Motion to Strike* from the A&B Irrigation District (“A&B”) in response to IGWA’s filing. The Motions to Strike state that “Nothing in the APA statutes or rules authorizes [these] filing.” Therefore, A&B argued that Pocatello’s Motion and Proposed Order and IGWA’s Response should be stricken.

On April 4, 2011, IGWA and Pocatello filed a *Joint Response to Motions to Strike*. Citing IDAPA 37.01.01.564, IGWA and Pocatello argued the Motion and Proposed Order and Response were permitted by the Department's rules of procedure.

Upon consideration of the pleadings filed herein, and the Department's rules of procedure, the Director finds there is no basis to strike Pocatello's Motion and Proposed Order or IGWA's Response.

**ORDER**

Based upon the foregoing, A&B's Motions to Strike are DENIED.

Dated this 7<sup>th</sup> day of April, 2011.

  
GARY SPACKMAN  
Interim Director

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following attached document on the persons listed below by mailing in the United States mail, first class with the correct postage affixed thereto, as well as by e-mail to those persons listed with e-mail addresses, on this 7th day of April, 2011.

<p>John K. Simpson Travis L. Thompson Barker Rosholt &amp; Simpson 113 Main Ave W., Ste. 303 P.O. Box 485 Twin Falls, ID 83303-0485 <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a> <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a></p>	<p>Randall C. Budge Candice M. McHugh Racine Olson Nye Budge &amp; Bailey P.O. Box 1391 201 E. Center St. Pocatello, ID 83204-1391 <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a> <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a></p>	<p>Sarah A. Klahn White &amp; Jankowski LLP 511 Sixteenth St., Ste. 500 Denver, CO 80202 <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a></p>
<p>Jerry Rigby Rigby Andrus 25 North Second East P.O. Box 250 Rexburg, ID 83440 <a href="mailto:jrigby@rex-law.com">jrigby@rex-law.com</a></p>	<p>A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>	



Deborah Gibson  
Idaho Department of Water Resources