



On September 9, 2009, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed a *Notice of Appearance* in the above-captioned matter. On September 24, 2009, Fremont Madison Irrigation District, Robert & Sue Huskinson, Sun-Glo Industries, Val Schwendiman Farms, Inc., David Schwendiman Farms, Inc., Darrell C. Neville, Scott C. Neville and Stan D. Neville filed a *Notice of Appearance* in the above-captioned matter. On September 25, 2009, the City of Pocatello filed a *Notice of Appearance* in the above-captioned matter. These persons and entities were not made named parties in the *Petition for Judicial Review* filed by the Petitioner in this matter.

Until now, these persons' and entities' participation in this matter has not been properly reflected in the caption. After reviewing the applicable Idaho Rules of Civil Procedure and Idaho Appellate Rules, this Court will treat the *Notices of Appearance* as *Motions to Intervene* in the above-captioned matter, and will treat the above-mentioned persons and entities as Interveners.<sup>1</sup>

This Court finds, following a review of the file, that IGWA, Fremont Madison Irrigation District, Robert & Sue Huskinson, Sun-Glo Industries, Val Schwendiman Farms, Inc., David Schwendiman Farms, Inc., Darrell C. Neville, Scott C. Neville, Stan D. Neville and the City of Pocatello are real parties in interest to this proceeding, and that the same have interests that could be affected by the outcome of this proceeding in the form of water rights. This Court further finds that no party has objected to these persons and entities participating in this proceeding. Therefore, in exercising its discretion, this Court finds that IGWA, Fremont Madison Irrigation District, Robert & Sue Huskinson, Sun-Glo Industries, Val Schwendiman Farms, Inc., David Schwendiman Farms, Inc., Darrell C. Neville, Scott C. Neville, Stan D. Neville and the City of Pocatello properly participated in this matter as Interveners.

In order to correct this procedural irregularity in future cases the Court has amended its standard scheduling order to include the following:

**Appearances by persons or entities who were a party to the underlying administrative proceeding but who were not made a**

<sup>1</sup> The parties should note that in this instance the Court is treating the *Notices of Appearance* as *Motions to Intervene* for housekeeping purposes. In doing so, it is the Court's intent to have the record in this matter clearly reflect which persons and/or entities are participants in this action. It is also the Court's intent to have the caption of this matter properly reflect all those parties who are participating in this action and to identify in what capacity those parties are participating (i.e., Petitioner, Respondent, or Intervenor).

named party in the *Petition for Judicial Review*: Where a person or entity who was a party to the underlying administrative proceeding is not made a named party in the *Petition for Judicial Review*, and is not otherwise a *Petitioner*, such person or entity may file a *Notice of Appearance* in this matter within fourteen (14) days from the date the person or entity is served with a copy of the *Petition for Judicial Review*. This Court will treat the *Notice of Appearance* as a *Motion to Intervene* and will treat the party filing the *Notice of Appearance* as an Intervenor. Under such circumstances, the Court will automatically issue an order granting the *Motion to Intervene* unless one or more parties to the action files an opposition to the *Motion* within 10 days of the filing of the *Notice of Appearance*. A person or entity not a party to the underlying administrative proceeding who desires to participate in this action, and is not otherwise a *Petitioner*, must proceed in accordance with Idaho Appellate Rule 7.1.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. IGWA, Fremont Madison Irrigation District, Robert & Sue Huskinson, Sun-Glo Industries, Val Schwendiman Farms, Inc., David Schwendiman Farms, Inc., Darrell C. Neville, Scott C. Neville, Stan D. Neville and the City of Pocatello properly participated in this matter as Intervenors.
2. The caption used in this proceeding is hereby amended to include IGWA, Fremont Madison Irrigation District, Robert & Sue Huskinson, Sun-Glo Industries, Val Schwendiman Farms, Inc., David Schwendiman Farms, Inc., Darrell C. Neville, Scott C. Neville, Stan D. Neville and the City of Pocatello as Intervenors as shown above.

Dated November 23, 2010.

  
ERIC J. WALDMAN  
District Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 23<sup>RD</sup> day of November, 2010, she caused a true and correct copy of the foregoing: ORDER AMENDING CAPTION on the persons listed below by mailing in the United States mail, first class, thereto to the parties at the indicated address:

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Travis L. Thompson  
Paul L. Arrington  
BARKER ROSHOLT & SIMPSON  
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RIGBY ANDRUS & ANDRUS Chtd.  
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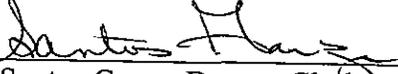
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DUANE SMITH  
Clerk of the District Court

  
Santos Garza, Deputy Clerk