

RECEIVED
NOV 23 2010
DEPARTMENT OF
WATER RESOURCES

LAWRENCE WASDEN
ATTORNEY GENERAL

STEVEN L. OLSEN, ISB #3586
Chief of Civil Litigation

MICHAEL S. GILMORE, ISB # 1625
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-4130
mike.gilmore@ag.idaho.gov
Attorney for Petitioner Idaho Water Resource Board

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

IN THE MATTER OF LICENSING WATER) IDAHO WATER RESOURCE
RIGHT PERMIT NO. 01-7011 IN THE NAME) BOARD'S REQUEST FOR
OF TWIN FALLS CANAL COMPANY AND) ADDITIONAL AGENCY RECORD ON
NORTH SIDE CANAL COMPANY) PETITION FOR JUDICIAL REVIEW

The Idaho Water Resource Board, by and through its counsel of record, Michael S. Gilmore, Deputy Attorney General, hereby requests pursuant to Idaho Rule of Civil Procedure 84(f)(3)(J) that the following documents be included in the agency record prepared for the District Court in Twin Falls County Case No. CV-10-5377, *Twin Falls Canal Company and North Side Canal Company v. Spackman and IDWR*, on appeal from the Department's Final Order in *In the Matter of Licensing Water Right Permit No. 01-7011 in the Name of the Twin Falls Canal Company*. The Idaho Water Resource Board is exempt from paying any fees for preparation of these documents in the agency record. See Idaho Code § 67-2301.

DOCUMENTS TO BE INCLUDED IN THE AGENCY RECORD IN ADDITION TO THOSE PROVIDED BY IDAHO RULE OF CIVIL PROCEDURE 84(f)(3):

- (1) Notice of Intent to Issue Final License, dated September 5, 2007;
- (2) Final Order, dated October 20, 2008;
- (3) Protest and Petition for Hearing, dated October 26, 2008;
- (4) Order Designating Contested Case and Appointing Hearing Officer, dated November 12, 2008;

- (5) Petition to Intervene, dated December 2, 2008;
- (6) Petition to Intervene, dated December 4, 2008;
- (7) Scheduling Order, dated January 21, 2009;
- (8) Idaho Water Resource Board's Petition to Intervene, dated January 29, 2009;
- (9) Order Granting Petitions to Intervene, dated March 22, 2009;
- (10) IWRB's Motion to Amend Its Petition to Intervene, dated September 30, 2009;
- (11) Order Granting Motion to Amend Petition to Intervene, dated October 26, 2009;
- (12) IWRB's Motion for Summary Judgment, dated February 11, 2010;
- (13) First Affidavit of Michael C. Orr, dated February 11, 2010, including Exhibits 1 thru 30;
- (14) Second Affidavit of Michael C. Orr, dated February 11, 2010, including Exhibits 1 and 2;
- (15) Upper Snake River Water Users' and Ground Water Districts' Motion for Summary Judgment, dated February 12, 2002;
- (16) Affidavit of Luke H. Marchant Etc., dated February 12, 2010, and Exhibits A thru C;
- (17) Notice of Additional Parties Filing Motion for Summary Judgment, dated February 18, 2010;
- (18) Affidavit of Shelley M. Davis Etc., dated March 5, 2010, and Exhibits 1 thru 39;
- (19) Second Affidavit of Luke H. Marchant, dated March 19, 2010;
- (20) Opinion and Order Granting Motions for Summary Judgment and Recommendations, dated Apr 29, 2010;
- (21) Motion for Clarification Regarding Procedural Standing Etc., dated May 5, 2010;
- (22) Order Granting Motion for Clarification Etc., dated May 26, 2010;
- (23) Findings of Fact, Conclusions of Law, and Recommendations, dated July 30, 2010;
- (24) Amended Final Order, dated October 18, 2010;
- (25) Notice of Appeal and Petition for Judicial Review of Final Agency Action, dated November 12, 2010; and

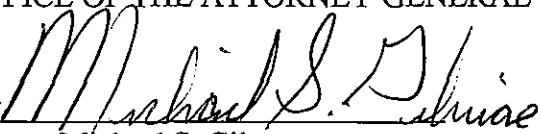
///

- (26) Idaho Water Resource Board's Request for Additional Agency Record on Petition for Judicial Review, dated November 23, 2010.

Respectfully submitted this 23rd day of November, 2010.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By



Michael S. Gilmore
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of November, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Interim Director Gary Spackman
c/o Idaho Department of Water Resources
322 West Front Street
PO Box 83720
Boise, Idaho 83720-0098

- U.S. Mail
- Hand Delivery
- E-Mail
- Statehouse Mail

John K. Simpson
Travis L. Thompson
Shelley M. Davis
Scott A. Magnuson
BARKER ROSHOLT & SIMPSON LLP
1010 West Jefferson St, Ste 102
Boise, Idaho 83701-2139
jks@idahowaters.com
tlt@idahowaters.com
smd@idahowaters.com
sam@idahowaters.com

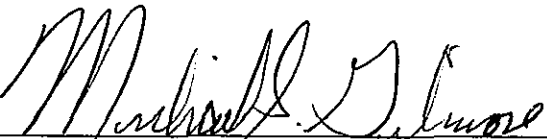
- U.S. Mail
- Hand Delivery
- E-Mail

Randall C. Budge
Candice M. McHugh
Thomas J. Budge
RACINE OLSEN NYE BUDGE & BAILEY, CHTD.
PO Box 1391
201 East Center Street
Pocatello, Idaho 83204-1391
rbc@racinelaw.net
cmm@racinelaw.net
tjb@racinelaw.net

- U.S. Mail
- Hand Delivery
- E-Mail

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
PO Box 50130
1600 Riverwalk Drive, Suit 200
Idaho Falls, Idaho 83405
rharris@holdenlegal.com

- U.S. Mail
- Hand Delivery
- E-Mail



Michael S. Gilmore
Deputy Attorney General