

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

GARRICK L. BAXTER, ISB #6301
ANN Y. VONDE, ISB #8406
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 287-4800
garrick.baxter@idwr.idaho.gov
ann.vonde@ag.idaho.gov

Attorneys for Respondents

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

A&B IRRIGATION DISTRICT,)
)
) Petitioner-Appellant,)
)
 vs.)
)
) THE IDAHO DEPARTMENT OF)
) WATER RESOURCES and GARY)
) SPACKMAN in his capacity as)
) Interim Director of THE IDAHO)
) DEPARTMENT OF WATER)
) RESOURCES,)
)
) Respondents,)
)
) and)
)
) THE CITY OF POCA TELLO,)
)
) Intervenor-Respondent,)
)
) and)

CASE NO. CV 2011-000512

**IDWR'S RESPONSE TO A&B
IRRIGATION DISTRICT'S AND
THE CITY OF POCA TELLO'S
OBJECTIONS TO THE CLERK'S
RECORD**

**IDWR RESPONSE TO A&B IRRIGATION DISTRICT'S AND
THE CITY OF POCA TELLO'S OBJECTIONS TO THE CLERK'S RECORD**

IDAHO GROUND WATER)
 APPROPRIATORS, INC.)
)
 Intervenor.)
 _____)
 IN THE MATTER OF THE PETITION)
 FOR DELIVERY CALL OF A&B)
 IRRIGATION DISTRICT FOR)
 DELIVERY OF GROUND WATER AND)
 FOR THE CREATION OF A GROUND)
 WATER MANAGEMENT AREA.)
 _____)

COME NOW Respondents, the Idaho Department of Water Resources and Gary Spackman, Director of the Department of Water Resources (collectively referred to herein as “IDWR”), and respond to A&B Irrigation District’s (“A&B”) and the City of Pocatello’s (“Pocatello”) objections to the Clerk’s Record, respectively filed on August 20, 2013.

Case No. CV-2011-512

A&B’s objection requests a number of documents from case no. CV-2011-512. Most of the documents have already been made part of the record in this proceeding as a result of the Idaho Supreme Court’s June 7, 2013 *Order Augmenting Appeal*, which ordered the District Court to augment the record in this matter with the record from Supreme Court Docket No. 39196, *A&B Irrigation v. Spackman* (the “disposed of” appeal). Document nos. 1 through 9 and 13 in A&B’s objection to the Clerk’s Record are already included in the “disposed of” appeal record. The Department has no objection to the inclusion of document nos. 10 through 12 and 14.

Case No. CV-2009-647

Both A&B and Pocatello request a number of documents from case no. CV-2009-647. The Department has no objection to the inclusion of the requested documents so long as three additional documents are included:

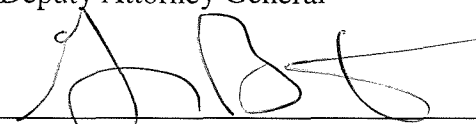
- *Idaho Ground Water Appropriators Inc. Objection to Clerk's Record and Notice of Hearing (3/24/2011)*
- *IDWR's Objection to Clerk's Record and Notice of Hearing (3/25/2011)*
- *City of Pocatello's Objection to Clerk's Record and Notice of Hearing (4/4/2011)*

Because A&B seeks to include a copy of its *Objection to Clerk's Record and Notice of Hearing (3/25/2011)* in this proceeding, it is appropriate to include the objections of the other parties so the record is complete.

DATED this 3rd day of September, 2013.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Chief, Natural Resources Division
Deputy Attorney General



GARRICK L. BAXTER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of September, 2013, I caused to be served a true and correct copy of the foregoing document to the following parties by United States mail and electronic mail as indicated by the below email addresses:

SRBA District Court
253 3rd Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707


- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

John K. Simpson
Travis Thompson
Paul L. Arrington
Sarah W. Higer
BARKER ROSHOLT & SIMPSON LLP
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, ID 83303-0485
jks@idahowaters.com
tlt@idahowaters.com
pla@idahowaters.com

Randy C. Budge
Thomas J. Budge
RACINE OLSON NYE BUDGE BAILEY
P.O. Box 1391
Pocatello, ID 83201
rcb@racinelaw.net
tjb@racinelaw.net

A. Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, ID 83201
dtranmer@pocatello.us

Sarah A. Klahn
Mitra M. Pemberton
WHITE & JANKOWSKI LLP
511 Sixteenth Street, Suite 500
Denver, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com



GARRICK L. BAXTER
Deputy Attorney General