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RECEIVED

MAY 25 2012

DEPARTMENT OF
WATER RESOURCES

ATTORNEYS FOR THE IDAHO GROUND WATER APPROPRIATORS

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

A & B IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN FALLS
CANAL COMPANY,

Petitioners,

vs.

GARY SPACKMAN, in his capacity as Interim
Director of the Idaho Department of Water
Resources, and THE IDAHO DEPARTMENT OF
WATER RESOURCES,

Respondents.

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY OR FOR THE BENEFIT OF THE
A&B IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY, AND TWIN FALLS
CANAL COMPANY

Case No. CV-12-2096

**NOTICE OF APPEARANCE
and MOTION TO AMEND CAPTION
TO DESIGNATE IGWA AS A
RESPONDENT**

Fee Category: L.3
\$88.00

TO: CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL COUNSEL OF RECORD:

YOU ARE HERBY NOTIFIED THAT Randall C. Budge, Candice M. McHugh and Thomas J. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chtd., hereby enter an appearance as attorneys of record for and on behalf of the Idaho Ground Water Appropriators, Inc. ("IGWA"), acting for and on behalf of their members.

Additionally, IGWA requests the Court to amend the caption and designate the Idaho Ground Water Appropriators, Inc. as a Respondent in this appeal.

It is important to designate IGWA as a Respondent in the appeal since IGWA was granted its request to intervene on February 14, 2005 at the administrative level by then Director Dreher pursuant to the IDAPA Procedural Rules. The administrative proceeding known as the Surface Water Coalition ("SWC") delivery call resulted in multiple final orders. Ultimately, the Director established steps to determine injury to the SWC members. The Director's May 9, 2012 *Final Order* regarding Methodology Steps 1-8 is the subject matter of this judicial review. In addition, IGWA is a Petitioner in the Fifth Judicial District Court, in and for the County of Gooding, in consolidated case numbers, CV-2010-382, et al. as well as an Intervenor-Appellant before the Idaho Supreme Court in the Surface Water Coalition ("SWC") delivery call appeal, consolidated case number 38191-2010.¹

Since this action is now on appeal before the district court, IGWA should be designated as a Respondent to avoid confusion as to its role throughout and to maintain consistency with the other pending appeals which are all related.

Based on the foregoing, IGWA requests the Court to grant its appearance and designate IGWA as a Respondent in the above-captioned matter.

¹ Oral argument is scheduled for June 13, 2012.

Dated this 23rd day of May, 2012.

A handwritten signature in cursive script, appearing to read "Candice M. McHugh", written over a horizontal line.

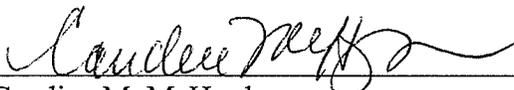
Randall C. Budge
Candice M. McHugh
Thomas J. Budge

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2012, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated:

<p><i>Original to:</i> Twin Falls County District Court 425 Shoshone St. N. PO Box 126 Twin Falls, ID 83303</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email</p>
<p><i>Courtesy Copy to:</i> Honorable Eric J. Wildman District Judge SRBA District Court 253 3rd Ave. North PO Box 2707 Twin Falls, ID 83303-2707</p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile – 208-736-2121 <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email</p>
<p>Deputy Attorneys General Garrick L. Baxter Chris M. Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 Fax: 208-287-6700</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>
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<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, Idaho 83318-0248</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email wkf@pmt.org</p>
<p>John K. Simpson Travis L. Thompson Paul L. Arrington Barker, Rosholt & Simpson 113 Main Avenue W., Ste 303 PO Box 485 Twin Falls, ID 83301-6167</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email jar@idahowaters.com tlt@idahowaters.com pla@idahowaters.com</p>
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<p>Dean Tranmer CITY OF POCATELLO P.O. Box 4169 Pocatello, Idaho 83205</p>	<p><input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail dtranmer@pocatello.us</p>
<p>David W. Gehlert Natural Resources Section Environment and Natural Res. Div. U.S. Department of Justice 999 18th Street, Suite 370 South Terrace Denver, CO 80202</p>	<p><input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail david.gehlert@usdoj.gov</p>
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<p>William A. Parsons Parsons, Smith & Stone, LLP PO Box 910 Burley, ID 83318</p>	<p><input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail wparsons@pmt.org</p>
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 Candice M. McHugh