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Attorneys for the City of Pocatello

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

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

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 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

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)
)
) Case No. CV-12-2096
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)
)
)
) **NOTICE OF APPEARANCE**
) **AND MOTION TO AMEND**
) **CAPTION AND TO**
) **DESIGNATE CITY OF**
) **POCATELLO**
) **AS A RESPONDENT**
)
) Fee Category:
) (Exempt I.C. §67-2301)

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

YOU ARE HEREBY NOTIFIED THAT Sarah A. Klahn of the firm White & Jankowski, LLP hereby enters her appearance as attorney of record for and on behalf of the City of Pocatello (“Pocatello”). Pocatello also requests the Court amend the caption in this matter to reflect that Pocatello is a Respondent in this appeal.

On May 18, 2012, the Surface Water Coalition filed an appeal of several final orders by the Director of the Idaho Department of Water Resources (“IDWR”) in IDWR Docket No. CM-DC-2010-001 (“Final Order”). On May 15, 2012 the Interim Director of IDWR issued an Order Designating City of Pocatello a Respondent in IDWR Docket No. CM-DC-2010-001. The Director found that

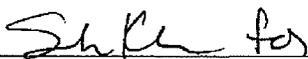
The Final Order examined the SWC’s water supply for the 2012 irrigation season for the purpose of determining material injury caused by junior ground water pumping. Pocatello is a municipal corporation of the State of Idaho which diverts water from the Eastern Snake Plane Aquifer within Water District 120. Pocatello has been and is a party to the proceedings which originated from the Director’s September 5, 2008 Final Order as a result of the SWC’s Delivery Call. Pocatello is a respondent.

Pocatello is also a party to the initial ongoing administrative proceeding involved in this matter, known as the SWC Delivery Call. The SWC Delivery Call involved investigations into injury that the SWC alleges is caused by junior ground water users like Pocatello. That proceeding resulted in the Director issuing an order establishing a methodology to determine injury to SWC members, which is currently stayed on appeal before this Court in Case No. CV-2010-382. In the above-captioned matter, SWC has appealed a May 9, 2012 final order regarding this methodology. The result of this appeal of the Director’s methodology will materially affect Pocatello, as Pocatello’s ground water supply may become the subject of curtailment orders.

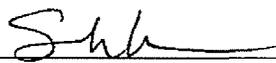
For the foregoing reasons and because Pocatello was properly admitted to participate as a respondent in the underlying administrative proceeding IDWR Docket No. CM-DC-2010-001, Pocatello should be designated as a respondent in this matter and respectfully requests that the Court amend the caption to reflect this party status.

Respectfully submitted this 24th day of May, 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE

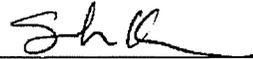
By 
A. Dean Tranmer

WHITE & JANKOWSKI, LLP

By 
Sarah A. Klahn

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2012, I caused to be served a true and correct copy of the foregoing **Notice of Appearance and Motion to Amend Caption to Designate City of Pocatello as a Respondent** in Case No. CV-12-2096, Twin Falls County upon the following by the method indicated:



Sarah Klahn, White & Jankowski, LLP

<p><i>Original to:</i> Twin Falls County District Court 425 Shoshone St. N. PO Box 126 Twin Falls ID 83303</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile 208-736-4155, Phone 208-736-4004 <input type="checkbox"/> Email</p>
<p><i>Courtesy Copy to:</i> SRBA District Court PO Box 2707 Twin Falls ID 83303-2707</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-736-2121 <input type="checkbox"/> Email</p>
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<p>Kathleen Carr US Dept Interior 960 Broadway Ste 400 Boise ID 83706 kathleenmarion.carr@sol.doi.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-334-1907 <input checked="" type="checkbox"/> Email</p>
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<p>William A Parsons Parsons Smith & Stone LLP PO Box 910 Burley ID 83318 wparsons@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise ID 83706-1234 mhoward@pn.usbr.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Lyle Swank IDWR – Eastern Region 900 N Skyline Dr Idaho Falls ID 83402-6105 lyle.swank@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Allen Merritt Cindy Yenter IDWR – Southern Region 1341 Filmore St Ste 200 Twin Falls ID 83301-3033 allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>