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District #2*

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

**AMERICAN FALLS RESERVOIR  
DISTRICT #2,**

Petitioner,

vs.

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

Respondents.

Case No. CV-2013-155

**MOTION TO CONSOLIDATE /  
MOTION TO EXPEDITE**

**(Methodology Step 5)**

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**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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COMES NOW, the Petitioner, American Falls Reservoir District #2, by and through its undersigned attorney of record, and moves this Court for an order consolidating the above

captioned appeal with *Idaho Ground Water Appropriators, Inc., et al. v. Spackman, et al.*  
(Consolidated Case Number CV-2010-382).

### MOTION TO CONSOLIDATE

Consolidated Case No. CV-2010-382 involves 8 separate appeals.<sup>1</sup> Each challenges the legality and application of the Director of the Idaho Department of Water Resources' *Amended Final Order Regarding Methodology for Determining Material Injury in Reasonable In-Season Demand and Reasonable Carryover* (June 23, 2010) ("Methodology Order"). Each case, including this case, challenges the Director's continued application of the Methodology Order.

This appeal and each of the consolidated appeals arose out of the same events – i.e. the Coalition's water call, the subsequent Methodology Order issued by the Director and the Director's application of that Methodology Order. All cases address material injuries to senior priority surface water rights as caused by junior priority ground water rights, using the Methodology Order and how the Director addressed material injury pursuant to his Methodology Order. Since they arose out of the same events, rely on the same facts and involve common questions of law and fact, consolidation of this case with the other consolidated appeals is appropriate and will avoid unnecessary cost and delay to the parties. For these reasons, the Petitioner requests that the Court grant this motion to consolidate.

This motion is brought pursuant to I.R.C.P. 42 (a) and other applicable law.

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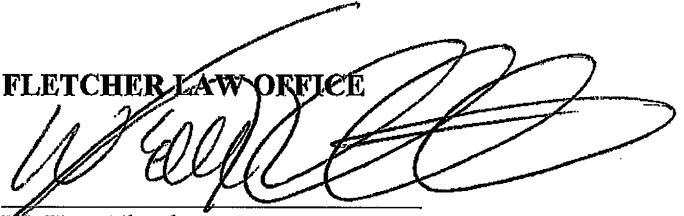
<sup>1</sup> The 8 consolidated appeals include: *IGWA v. IDWR* (Case No. 2010-382) (Gooding County District Court); *IGWA v. IDWR* (Case No. CV-2010-383) (Gooding County District Court); *TFCC et al. v. IDWR* (Case No. CV-2010-384) (Gooding County District Court); *City of Pocatello v. IDWR* (Case No. CV-2010-387) (Gooding County District Court); *City of Pocatello v. IDWR* (Case No. CV-2010-388) (Gooding County District Court); *TFCC et al. v. IDWR* (Case No. CV-2010-3403) (Twin Falls County District Court); *TFCC, et al. v. IDWR* (Case No. CV-2010-5520) (Twin Falls County District Court); *TFCC, et al. v. IDWR* (Case No. CV-2010-5946) (Twin Falls County District Court).

**MOTION TO EXPEDITE**

The Petitioner further requests the Court to expedite consideration of this motion so that it may be heard and decided as soon as possible. The Petitioner requests oral argument on this motion.

**DATED** this 30<sup>th</sup> day of October, 2013.

**FLETCHER LAW OFFICE**

A large, stylized handwritten signature in black ink, appearing to read 'W. Kent Fletcher', is written over the printed name below.

W. Kent Fletcher

*Attorneys for American Falls Reservoir  
District #2 and Minidoka Irrigation District*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 30th day of October, 2013, I served true and correct copies of the foregoing upon the following by the method indicated:

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