

John K. Simpson, ISB #4242
 Travis L. Thompson, ISB #6168
 Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
 195 River Vista Place, Suite 204
 Twin Falls, Idaho 83301-3029
 Telephone: (208) 733-0700
 Facsimile: (208) 735-2444

*Attorneys for A&B Irrigation District, Burley
 Irrigation District, Milner Irrigation District,
 North Side Canal Company, Twin Falls Canal
 Company*

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
 P.O. Box 248
 Burley, Idaho 83318
 Telephone: (208) 678-3250
 Facsimile: (208) 878-2548

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

**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)
 Director of the Idaho Department of Water)
 Resources, and THE IDAHO DEPARTMENT)
 OF WATER RESOURCES,)**

Respondents.)

Case No. CV-2013-2305

**MOTION TO CONSOLIDATE /
 MOTION TO EXPEDITE**

(April 2013 Forecast Supply Order)

**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)
_____)**

COME NOW, Petitioners, A&B Irrigation District (“A&B”), American Falls Reservoir District #2 (“AFRD#2”), Burley Irrigation District (“BID”), Milner Irrigation District (“Milner”), Minidoka Irrigation District (“MID”), North Side Canal Company (“NSCC”), and Twin Falls Canal Company (“TFCC”) (collectively hereafter referred to as the “Surface Water Coalition”, “Coalition”, or “SWC”), by and through their undersigned counsel, and hereby move 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.¹ 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

¹ 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).

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 Petitioners request that the Court grant this motion to consolidate.

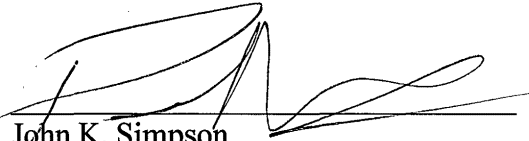
This motion is brought pursuant to I.R.C.P. 42 (a) and other applicable law.

MOTION TO EXPEDITE

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

DATED this 30th day of October, 2013.

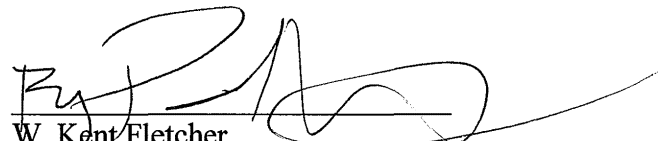
BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Travis L. Thompson
Paul L. Arrington

Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company

FLETCHER LAW OFFICE



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:

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

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Randy Budge
T.J. Budge
P.O. Box 1391
Pocatello, Idaho 83204-1391

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Sarah Klahn
Mitra Pemberton
511 16th St., Suite 500
Denver, CO 80202

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83205

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Kathleen Carr
U.S. Dept. of Interior
960 Broadway Ste. 400
Boise, Idaho 83706

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Matt Howard
U.S. Bureau of Reclamation

U.S. Mail, Postage Prepaid
 Hand Delivery

1150 N. Curtis Road
Boise, Idaho 83706-1234

Overnight Mail
 Facsimile
 Email

Lyle Swank
IDWR
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-6105

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Allen Merritt
Cindy Yenter
IDWR
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

William A. Parsons
Parsons, Smith & Stone, LLP
P.O. Box 910
Burley, ID 83318

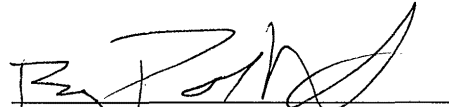
U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Michael C. Creamer
Jeffrey C. Fereday
601 W. Bannock
P.O. Box 2720
Boise, Idaho 83701-2720

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

David W. Gehlert
Natural Resources Section
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, CO 80294

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email



Travis L. Thompson