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Attorneys for the Respondents

**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-2013-4417

**IDWR'S RESPONSE TO SURFACE
WATER COALITION'S MOTION TO
CONSOLIDATE**

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 Respondents, the Idaho Department of Water Resources and Gary Spackman, Director of the Idaho Department of Water Resources (collectively referred to herein as “IDWR”), and hereby submit *IDWR’s Response to Surface Water Coalition’s Motion to Consolidate/Motion to Expedite* in the above-captioned proceeding.

On October 30, 2013, the Surface Water Coalition (“SWC”)¹ filed with this Court its *Motion to Consolidate/Motion to Expedite*, requesting that this proceeding be consolidated into *Idaho Ground Water Appropriators, Inc., et al. vs. Spackman, et al.*, consolidated case no. CV-2010-382 (“CV-2010-382”). IDWR supports the SWC’s request to consolidate this proceeding with CV-2010-382. The key issues involved in this proceeding overlap with the issues in CV-2010-382. Because of this, consolidation makes sense from a judicial economy standpoint. IDWR believes the Court can consolidate the cases without a hearing on the motion as there is no opposition to the request. That said, however, the Court should not mistake IDWR’s support for consolidation as suggesting that IDWR now supports lifting of the stay in this case and in CV-2010-382. IDWR continues to oppose lifting the stay. Taking up the appeals in advance of the Idaho Supreme Court’s decision in the SWC delivery call case would waste judicial resources and potentially result in conflicting orders much like what happened in the recent A&B

¹ A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2 and Minidoka Irrigation District

appeal in Case No. 2011-512. IDWR believes that this case should be consolidated, but the stay should remain in place until a decision is issued by the Idaho Supreme Court.

DATED this 1st day of November, 2013.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of November, 2013, I caused to be served a true and correct copy of the foregoing document upon the following by the method(s) indicated:

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