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IN THE SUPREME COURT FOR THE STATE OF IDAHO

IN THE MATTER OF THE PETITION)	
FOR DELIVERY CALL OF A&B)	
IRRIGATION DISTRICT FOR THE)	Supreme Court Docket No. 38382-2010
DELIVERY OF GROUND WATER AND)	Minidoka County Docket No. 2009-647
FOR THE CREATION OF A GROUND)	
WATER MANAGEMENT AREA.)	
)	
A&B IRRIGATION DISTRICT,)	
)	MOTION TO WITHDRAW NOTICE
Petitioner-Respondent,)	OF APPEAL AND AMENDED
)	NOTICE OF APPEAL
v.)	
)	
IDAHO DEPARTMENT OF WATER)	
RESOURCES, and GARY SPACKMAN,)	
)	
Respondent-Appellant,)	
)	
v.)	
)	
IDAHO GROUND WATER)	
APPROPRIATORS, INC., CITY OF)	
POCATELLO, FREMONT MADISON)	
IRRIGATION DISTRICT, ROBERT)	

HUSKINSON, SUE HUSKINSON, SUN-)
GLO INDUSTRIES, VAL)
SCHWENDIMAN FARMS, INC., DAVID)
SCHWENDIMAN FARMS, INC.,)
DARRELL C. NEVILLE, SCOTT C.)
NEVILLE, STAN D. NEVILLE,)

Intervenors-Respondents.)
)
)

IN THE MATTER OF THE PETITION)
FOR DELIVERY CALL OF A&B)
IRRIGATION DISTRICT FOR THE)
DELIVERY OF GROUND WATER AND)
FOR THE CREATION OF A GROUND)
WATER MANAGEMENT AREA.)
)

A&B IRRIGATION DISTRICT,)

Petitioner-Appellant,)
)

v.)
)

IDAHO DEPARTMENT OF WATER)
RESOURCES, and GARY SPACKMAN, in)
his official capacity as Interim Director of the)
IDAHO DEPARTMENT OF WATER)
RESOURCES,)
)

Defendants-Respondents,)
)

and)
)

THE IDAHO GROUND WATER)
APPROPRIATORS, INC., CITY OF)
POCATELLO, FREMONT MADISON)
IRRIGATION DISTRICT, ROBERT & SUE)
HUSKINSON, SUN-GLO INDUSTRIES,)
VAL SCHWENDIMAN FARMS, INC.,)
DAVID SCHWENDIMAN FARMS, INC.,)
DARRELL C. NEVILLE, SCOTT C.)
NEVILLE, STAN D. NEVILLE,)
)

Intervenors.)
)
)
)

Supreme Court Docket No. 38403-2011
Minidoka County Docket No. 2009-647

MOTION TO WITHDRAW NOTICE
OF APPEAL AND AMENDED
NOTICE OF APPEAL

IN THE MATTER OF THE PETITION
FOR DELIVERY CALL OF A&B
IRRIGATION DISTRICT FOR THE
DELIVERY OF GROUND WATER AND
FOR THE CREATION OF A GROUND
WATER MANAGEMENT AREA.

A&B IRRIGATION DISTRICT,

Petitioner-Respondent,

v.

THE IDAHO DEPARTMENT OF WATER
RESOURCES, and GARY SPACKMAN, in
his official capacity as Interim Director of the
IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondents-Respondents on Appeal,

and

CITY OF POCA TELLO,

Intervenor-Appellant,

THE IDAHO GROUND WATER
APPROPRIATORS, INC.,

Intervenor-Respondent,

and

FREMONT MADISON IRRIGATION
DISTRICT, ROBERT HUSKINSON, SUE
HUSKINSON, SUN-GLO INDUSTRIES,
VAL SCHWENDIMAN FARMS, INC.,
DAVID SCHWENDIMAN FARMS, INC.,
DARRELL C. NEVILLE, SCOTT C.
NEVILLE, STAN D. NEVILLE,

Intervenors.

Supreme Court Docket No. 38421-2011
Minidoka County Docket No. 2009-647

**MOTION TO WITHDRAW NOTICE
OF APPEAL AND AMENDED
NOTICE OF APPEAL**

IN THE MATTER OF THE PETITION
FOR DELIVERY CALL OF A&B
IRRIGATION DISTRICT FOR THE
DELIVERY OF GROUND WATER AND
FOR THE CREATION OF A GROUND
WATER MANAGEMENT AREA.

Supreme Court Docket No. 38422-2011
Minidoka County Docket No. 2009-647

A&B IRRIGATION DISTRICT,

Petitioner-Respondent,

v.

IDAHO DEPARTMENT OF WATER
RESOURCES, and

Respondent-Respondent on Appeal,

and

GARY SPACKMAN, in his official capacity
as Interim Director of the IDAHO
DEPARTMENT OF WATER RESOURCES,

Respondent,

and

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Intervenor-Appellant,

CITY OF POCA TELLO,

Intervenor-Respondent,

and

FREMONT MADISON IRRIGATION
DISTRICT, ROBERT HUSKINSON, SUE
HUSKINSON, SUN-GLO INDUSTRIES,
VAL SCHWENDIMAN FARMS, INC.,
DAVID SCHWENDIMAN FARMS, INC.,
DARRELL C. NEVILLE, SCOTT C.

**MOTION TO WITHDRAW NOTICE
OF APPEAL AND AMENDED NOTICE
OF APPEAL**


NEVILLE, STAN D. NEVILLE,)
)
Intervenors.)
_____)

COME NOW Appellants, the Idaho Department of Water Resources and Gary Spackman, Interim Director (collectively referred to herein as "IDWR"), and hereby move the Court, pursuant to Idaho Appellate Rule 32, to authorize the withdrawal of its *Notice of Appeal* and *Amended Notice of Appeal*. IDWR filed its *Notice of Appeal* on December 10, 2010. IDWR filed its *Amended Notice of Appeal* on December 13, 2010. IDWR will participate in the above-captioned appeals as respondents.

DATED this 14th day of April, 2011.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Chief, Natural Resources Division
Deputy Attorney General




CHRIS M. BROMLEY
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2011, I caused to be served a true and correct copy of the foregoing *Motion to Withdraw Notice of Appeal* to the following parties by the indicated methods:

Idaho Supreme Court 451 W. State St. (83702) P.O. Box 83720 Boise, ID 83720-0101	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Deputy Clerk Clerk of Minidoka County Court 715 G Street P.O. Box 368 Rupert, ID 83350 Fax: (208) 436-5272	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
John K. Simpson Travis Thompson Paul L. Arrington Sarah W. Higer BARKER ROSHOLT & SIMPSON LLP 113 Main Avenue West, Suite 303 P.O. Box 485 Twin Falls, ID 83303-0485 jks@idahowaters.com tlr@idahowaters.com pla@idahowaters.com	<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
Randy C. Budge Candice M. McHugh RACINE OLSON NYE BUDGE BAILEY P.O. Box 1391 Pocatello, ID 83201 rcb@racinelaw.net cmm@racinelaw.net	<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
A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	<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>Sarah A. Klahn Mitra M. Pemberton WHITE & JANKOWSKI LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com</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>Jerry R. Rigby Rigby Andrus 25 N 2nd East Rexburg, ID 83440 jrigby@rex-law.com</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>



 CHRIS M. BROMLEY
 Deputy Attorney General