

RECEIVED

NOV 13 2013

DEPARTMENT OF WATER RESOURCES

District Court - SRBA
 Fifth Judicial District
 In Re: Administrative Appeals
 County of Twin Falls - State of Idaho

NOV 12 2013

By _____ Clerk:
 _____ Deputy Clerk:

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

IDAHO GROUND WATER
 APPROPRIATORS, INC.,

Petitioners,

vs.

CITY OF POCATELLO,

Petitioner,

vs.

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 DEPARTMENT
 OF WATER RESOURCES,

Respondents.

IN THE MATTER OF DISTRIBUTION OF
 WATER TO VARIOUS WATER RIGHTS
 HELD BY OR FOR THE BENEFIT OF

) Case No.: CV-2010-382
)
) (consolidated Gooding County Cases
) CV-2010-382, CV-2010-383, CV-
) 2010-384, CV-2010-387, CV-2010-
) 388, and Twin Falls County Cases
) CV-2010-3403, 2010-5520, 2010-
) 5946, 2012-2096, 2013-2305, 2013-
) 4417 and Lincoln County Case CV-
) 2013-155)
)

**ORDER GRANTING MOTIONS
 TO CONSOLIDATE**

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)

On October 30, 2013, members of the Surface Water Coalition¹ filed *Motions to Consolidate* in Twin Falls County Case Nos. 2012-2096, 2013-2305, 2013-4417 and Lincoln County Case No. 2013-155. The *Motions* request that this Court consolidate the aforementioned matters into Gooding County Case No. 2010-382 on the grounds that they arise out of the same events, rely on the same facts and involve common questions of law and fact.² On November 1, 2013, the Idaho Department of Water Resources, the City of Pocatello and the Idaho Ground Water Appropriators, Inc. filed a *Joint Response to Surface Water Coalition's Motion to Consolidate*, wherein they agreed that the aforementioned matters should be consolidated into Gooding County Case No. 2010-382. Therefore, all the parties jointly support the *Motions to Consolidate*.

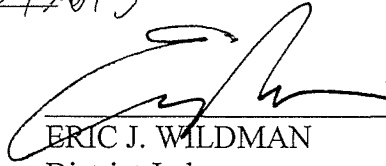
The Court notes that although the *Motions to Consolidate* are filed in contravention of this Court's *Orders* staying all proceedings in Twin Falls County Case Nos. 2012-2096, 2013-2305, Lincoln County Case No. 2013-155 and Gooding County Case No. 2010-382, the Court will consider the *Motions* notwithstanding the imposed stays since all the parties jointly support the *Motions*. However, this Court's stay *Orders* previously entered in those matters remain in place pursuant to this Court's *Order Denying Motions to Lift Stay* entered contemporaneously herewith.

THEREFORE, IT IS ORDERED that Twin Falls County Case No. 2012-2096, 2013-2305, 2013-4417 and Lincoln County Case No. 2013-155 are hereby consolidated into Gooding County Case No. CV-2010-382.

¹ The term Surface Water Coalition refers collectively to Petitioners 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.

² The Court notes that on July 29, 2010, the Court entered an *Order* consolidating Gooding County Cases CV-2010-383, CV-2010-384, CV-2010-387, CV-2010-388, and Twin Falls County Case CV-2010-3403 into Gooding County Case CV-2010-382.

DATED November 12, 2013



ERIC J. WILDMAN

District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS TO CONSOLIDATE was mailed on November 12, 2013, with sufficient first-class postage to the following:

CITY OF POCATELLO

Represented by:
A. DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO, ID 83201
Phone: 208-234-6148

~~IDWR AND GARY SPACKMAN, IN HIS~~

~~Represented by:
BROMLEY, CHRIS M
950 BANNOCK STREET, STE 1100
BOISE, ID 83702
Phone: 208-602-9883~~

~~AMERICAN FALLS RESERVOIR~~

~~Represented by:
C THOMAS ARKOOSH
ARKOOSH LAW OFFICES
802 W BANNOCK ST SUITE 900
PO BOX 2900
BOISE, ID 83701
Phone: 208-334-5105~~

GARY SPACKMAN
GARY SPACKMAN, IN HIS
IDWR AND GARY SPACKMAN, IN HIS

Represented by:
GARRICK L BAXTER
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO - IDWR
PO BOX 83720
BOISE, ID 83720-0098
Phone: 208-287-4800

A&B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

A&B IRRIGATION DISTRICT
A&B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

CITY OF POCATELLO

Represented by:
PEMBERTON, MITRA M
WHITE & JANKOWSKI LLP
511 16TH ST STE 500
DENVER, CO 80202
Phone: 303-595-9441

IDAHO GROUND WATER
IDAHO GROUND WATERS

Represented by:
RANDALL C BUDGE
201 E CENTER ST STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

CITY OF POCATELLO

Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITTREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202
Phone: 303-595-9441

IDAHO GROUND WATER

Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

ORDER

(Certificate of mailing continued)

A&B IRRIGATION DISTRICT
A&B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

AMERICAN FALLS RESERVOIR
MINIDOKA IRRIGATION DISTRICT

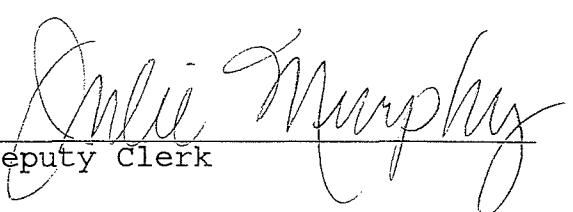
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 2 11/12/13

FILE COPY FOR 80020


Deputy Clerk