

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)	Case No. CV-2010-5520	
SIDE CANAL COMPANY, A & B)		
IRRIGATION DISTRICT, AMERICAN)	ORDER TREATING	
FALLS RESERVOIR DISTRICT #2,	ĺ	APPEARANCE AS MOTION T	O'
BURLEY IRRIGATION DISTRICT,	Ń	INTERVENE AND GRANTING	
MILNER IRRIGATION DISTRICT, and	Ś	SAME	•
MINIDOKA IRRIGATION DISTRICT,	ì		
white the desired of the state)		
Petitioners,)		
i etitiolicis,	<i>)</i>		
Vs.)		
vs.	7		
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GARY SPACKMAN, in his capacity as)		
Interim Director of the Idaho Department of)		
Water Resources, THE DEPARTMENT OF	7		
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WATER RESOURCES, and THE IDAHO)		
GROUND WATER APPROPRIATORS,)		
INC.,)		
D 1 4)		
Respondents.)		
)		
DAMES A CONTROL OF DIGONOLOGICAL OF)		
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)		
)		

On December 10, 2010, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed a *Notice of Appearance* in the above-captioned matter as a Respondent. Although IGWA was a party to the underlying administrative proceeding, IGWA was not made a named party in *Petition for Judicial Review* filed by the Petitioners in this matter. After reviewing the applicable Idaho Rules of Civil Procedure and Idaho Appellate Rules, this Court will treat the *Notice of Appearance* as a *Motion to Intervene* in the above-captioned matter, and will treat IGWA as a Respondent.¹

This Court finds, following a review of the file, that IGWA is a real party in interest to this proceeding, that IGWA was a party to the underlying administrative proceeding from which judicial review is being requested, and that IGWA has interests that could be affected by the outcome of this proceeding in the form of water rights. This Court further finds that no party has objected to IGWA participating in this proceeding. Therefore, in exercising its discretion, this Court finds that IGWA is entitled to leave to intervene as a party to this proceeding.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

- 1. IGWA's *Motion to Intervene* in the above-captioned proceeding is hereby granted.
- 2. All further captions used in this proceeding shall include IGWA as a Respondent as shown above.

Dated 2011

ERIC J. WILDMAN District Judge

The parties should note that in this instance the Court is treating the *Notice of Appearance* as a *Motion to Intervene* for housekeeping purposes. In doing so, it is the Court's intent to have the record in this matter clearly reflect which persons and/or entities are participants in this action. It is also the Court's intent to have the caption of this matter properly reflect all those parties who are participating in this action and to identify in what capacity those parties are participating (i.e., Petitioner, Respondent, or Intervenor).

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TREATING APPEARANCE AS MOTION TO INTERVENE AND GRANTING SAME was mailed on January 03, 2011, with sufficient first-class postage to the following:

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

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

AMERICAN FALLS RESERVOIR Represented by: C THOMAS ARKOOSH CAPITOL LAW GROUP, PLLC 301 MAIN ST PO BOX 32 GOODING, ID 83330 Phone: 208-934-8872

IDAHO GROUND WATER Represented by: CANDICE M MC HUGH 101 S CAPITOL BLVD, STE 208 BOISE, ID 83702 Phone: 208-395-0011

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, STE 102 PO BOX 2139 BOISE, ID 83701-2139 Phone: 208-336-0700

A&B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT MILNER IRRIGATION DISTRICT NORTH SIDE CANAL COMPANY TWIN FALLS CANAL COMPANY Represented by: PAUL L ARRINGTON 113 MAIN AVE W, STE 303 PO BOX 485 TWIN FALLS, ID 83303-0485 Phone: 208-733-0700

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

A&B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT MILNER IRRIGATION DISTRICT NORTH SIDE CANAL COMPANY TWIN FALLS CANAL COMPANY Represented by: TRAVIS L THOMPSON 113 MAIN AVE W, STE 303 PO BOX 485 TWIN FALLS, ID 83303-0485 Phone: 208-733-0700

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

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

ORDER

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