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*Attorneys for A&B Irrigation District*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

CITY OF POCA TELLO,	)	
	)	Case No. CV 2011-14409
	)	(consolidated Minidoka County Case
Petitioner,	)	No. 2011-604)
	)	
vs.	)	
	)	<b>A&amp;B IRRIGATION DISTRICT'S</b>
IDAHO GROUND WATER	)	<b>NOTICE OF JOINDER AND</b>
APPROPRIATORS, INC.,	)	<b>REQUEST TO MODIFY PROPOSED</b>
	)	<b>ORDER</b>
Petitioner,	)	
	)	
vs.	)	
	)	
A&B IRRIGATION DISTRICT,	)	
	)	
Cross-Petitioner,	)	
	)	
vs.	)	
	)	
IDAHO DEPARTMENT OF WATER	)	
RESOURCES and GARY SPACKMAN in his	)	
official capacity as Interim Director of the Idaho	)	
Department of Water Resources,	)	
	)	
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 )  
\_\_\_\_\_ )

COMES NOW, Cross-Petitioner A&B Irrigation District (“A&B”), by and through its undersigned counsel, and hereby files this *Notice of Joinder and Request to Modify Proposed Order* with respect to the City of Pocatello’s *Motion to Stay* filed on September 2, 2011.

A&B agrees that this consolidated appeal should be stayed pending resolution of the case currently before the Idaho Supreme Court. *See A&B Irr. Dist. v. IDWR et al.* (Minidoka County Dist. Ct., Fifth Jud. Dist., Case No. 2009-647) (appeals consolidated under Idaho Supreme Court Docket No. 38191-2010).

In addition, A&B is in the process of filing a *Notice of Appeal* in Minidoka County Case No. 2011-512. That appeal will decide whether the Interim Director had authority to issue the June 30, 2011 amended final order. The outcome of that appeal before the Idaho Supreme Court may moot this case. Accordingly, in the interests of judicial economy this case should be stayed until resolution of that appeal before the Idaho Supreme Court.

A&B respectfully requests the Court to amend the proposed order to stay this proceeding until resolution of the appeal of Minidoka County Case No. 2011-512.

**DATED** this 6<sup>th</sup> day of September, 2011.

**BARKER ROSHOLT & SIMPSON LLP**

  
\_\_\_\_\_  
Travis L. Thompson  
*Attorneys for A&B Irrigation District*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6<sup>th</sup> day of September, 2011, I served true and correct copies of **A&B IRRIGATION DISTRICT'S NOTICE OF JOINDER AND REQUEST TO MODIFY PROPOSED ORDER** upon the following by the method indicated:

Deputy Clerk  
SRBA District Court  
253 3<sup>rd</sup> Ave N.  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

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

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P.O. Box 83720  
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