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Attorneys for the City of Pocatello

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
NOV - 9 2012	
By _____	Clerk
_____	Deputy Clerk

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

CITY OF POCATELLO, <p style="text-align: right;">Petitioner,</p>)	Case No. CV 2011-14409 (consolidated Minidoka County Case No. 2011-0604)
vs.)	
IDAHO GROUND WATER APPROPRIATORS, INC., <p style="text-align: right;">Petitioner,</p>)	CITY OF POCATELLO'S RESPONSE TO A&B IRRIGATION DISTRICT'S MOTION TO DISMISS APPEALS
vs.)	
A&B IRRIGATION DISTRICT, <p style="text-align: right;">Cross-Petitioner,</p>)	
vs.)	
IDAHO DEPARTMENT OF WATER RESOURCES and GARY SPACKMAN in his official capacity as Director of the Idaho Department of Water Resources, <p style="text-align: right;">Respondents.</p>)	

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, Petitioner City of Pocatello ("City" or "Pocatello"), by and through its undersigned counsel, and submits this Response to A&B Irrigation District's Motion to Dismiss Appeals.

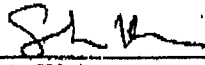
Pocatello agrees to dismiss its Notice of Appeal and Petition for Judicial Review of Agency Action dated July 27, 2011, appealing the *Amended Final Order on Remand Regarding the A&B Irrigation District Delivery Call* of the Director of the Idaho Department of Water Resources, *In the Matter of the Petition for a Delivery Call of A&B Irrigation District for the Delivery of Ground Water and the Creation of a Ground Water Management Area* entered June 30, 2011 in IDWR matter No. CM-DC-2011-001, which the Idaho Supreme Court has declared a "nullity". 2012 Opinion No. 121, Appeal No. 39169-2011 (September 14, 2012).

Respectfully submitted this 9th day of November, 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE

By 
 A. Dean Tranmer


WHITE & JANKOWSKI, LLP

By 
 Sarah A. Klahn

ATTORNEYS FOR THE CITY OF POCATELLO

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2012, a copy of City of Pocatello's Response to A&B Irrigation District's Motion to Dismiss Appeals in Case CV 2011-14409 was served by facsimile to SRBA Court and by email only to the following parties:


 Sarah A. Klahn, White & Jankowski, LLP

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