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DISTRICT

PAGE 01

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AUG-26-13 08:59:24 PM WHITE R. JANKOWSKI

FAX NO 303 825 5632

FILED DISTRICT COURT
CASE

2011 AUG 25 PM 1:51

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[Signature] DEPUTY

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Attorneys for the City of Pocatello

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

A & B IRRIGATION DISTRICT,

Petitioner,

vs.

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

Respondents.

Case No. CV 2011-512

POCATELLO'S NOTICE OF
APPEARANCE

Fee Category:
Exempt pursuant to Idaho Code §67-2301

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

TO CLERK OF ABOVE-ENTITLED COURT AND TO ALL COUNSEL OF RECORD:

POCATELLO'S NOTICE OF APPEARANCE

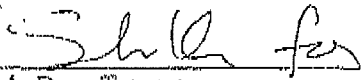
You are hereby notified that Sarah A. Klahn enters her appearance as attorney of record for and on behalf of the City of Pocatello, Idaho ("City" or "Pocatello") in the above-captioned matter.

The above-captioned matter before this Court concerns A&B Irrigation District's appeal of a *Final Order on Remand Regarding the A&B Irrigation District Delivery Call* ("Remand Order") entered by the Director of the Idaho Department of Water Resources ("IDWR") on April 27, 2011 in IDWR proceeding No. CM-DC-2011-001. The *Remand Order* was issued by the Department pursuant to this Court's May 4, 2010 *Memorandum Decision and Order on Petition for Judicial Review* ("Memorandum Order") in Case No. 2009-647, in which the Court remanded to the Department to evaluate the evidence in the record and make a determination regarding injury pursuant to the clear and convincing standard of evidence. *Memorandum Order* at 49-50. See also *Memorandum Decision and Order on Petitions for Rehearing*, November 2, 2010. Pocatello was a Respondent in both Case No. 2009-647 before this Court and in the pending appeal of that matter before the Idaho Supreme Court. Pocatello was also a party to the remand of the matter that proceeded before the Department as IDWR Docket No. CM-DC-2011-001, and participated in the briefing of proposed findings in that matter.

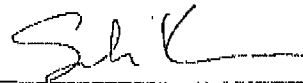
Based on the foregoing, Pocatello requests that the court designate Pocatello as a Respondent-Intervenor in the above captioned matter amend the caption accordingly.

Respectfully submitted this 25th day of August, 2011.

CITY OF POCA TELLO ATTORNEY'S OFFICE
Attorneys for the City of Pocatello

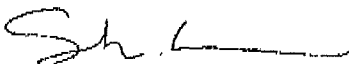
By 
A. Dean Trammé

WHITE & JANKOWSKI, J.L.P
Attorneys for the City of Pocatello

By 
Sarah A. Klahn

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2011, a copy of Pocatello's Notice of Appearance in Case CV-2011-512, Minidoka County was served by facsimile to Minidoka County Court and by email only to the following parties:

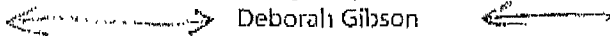

 Sarah A. Klahn, White & Jankowski, LLP

Deputy Clark, Minidoka County 711 G Street PO Box 368 Rupert ID 83350 Phone 208-436 9041 * Facsimile 208-436-5272		
Gary Spackman, Interim Director State of Idaho, Dept of Water Resources 322 B Front St PO Box 83720 Boise ID 83720 0098 Deborah.Gibson@idwr.idaho.gov	Garrick Baxter Chris Bromley Deputy Attorneys General Idaho Dept of Water Resources PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov	John K. Simpson Travis L. Thompson Paul L. Arrington Sarah W. Iliger Barker Rosholt & Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 facsimile 208-735-2444 jks@idahowaters.com tli@idahowaters.com pli@idahowaters.com swb@idahowaters.com
Jerry R. Rigby Rigby Andrus and Moeller 25 N 2 nd East Rexburg ID 83440 jrighy@rex.law.com	Randy Budge Candice M. McHugh Racine Olson Nye Budge & Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 rnb@racinelaw.net cmm@racinelaw.net	A. Dean Trammer, Esq. City of Pocatello PO Box 4169 Pocatello ID 83201 atrammer@pocatello.us

Shirley Merryman

From: Shirley Merryman
 Sent: Friday, August 26, 2011 8:56 AM
 To: Deborah Gibson
 Subject: FW: Case CV 2011-512, Minidoka County = Pocatello's Notice of Appearance
 Attachments: 20110825 Notice of Appearance = Pocatello (00093827).PDF

08-26-11
 FAX 208-
 287-6700



From: Shirley Merryman
 Sent: Thursday, August 25, 2011 3:55 PM
 To: 'Gibson, Deborah'
 Subject: FW: Case CV 2011-512, Minidoka County = Pocatello's Notice of Appearance

I received error message due to your mail box being full so trying again.

From: Shirley Merryman
 Sent: Thursday, August 25, 2011 3:54 PM
 To: Candice McLugh; Chris Bromley; Dean Tranmer; Deborah Gibson; Garrick Baxter; Jerry Rigby; John Simpson; Paul Arrington; Randall Budge; Sarah Higer; Travis Thompson
 Cc: Sarah Klahn; Milra Pemberton
 Subject: Case CV 2011-512, Minidoka County = Pocatello's Notice of Appearance

Find attached copy of pleading "Pocatello's Notice of Appearance", for Case CV 2011-512 that was fax filed with Minidoka County Court today.
 No paper copies are being mailed.

Shirley Merryman
 White & Jankowski
 PHONE - 303 - 595-9441