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DEPARTMENT OF
WATER RESOURCES

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho
NOV 16 2012
By _____ Clerk
_____ Deputy Clerk

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,

and

THE IDAHO GROUND WATER
APPROPRIATORS, INC., and THE CITY OF
POCATELLO,

Respondents-Intervenors.

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

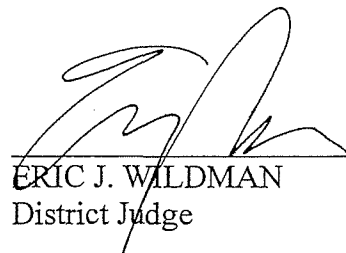
) Case No. CV 2011-512
)
) **ORDER GRANTING MOTION**
) **TO STRIKE**
)
) **ORDER DENYING MOTION TO**
) **REMAND**

On October 29, 2012, Respondents filed a *Motion to Remand Proceeding to IDWR* (“*Motion to Remand*”) in the above-captioned matter. The *Motion to Remand* asks this Court to remand this proceeding back to the Department pursuant to I.R.C.P. 84(r) and Idaho Appellate Rule 13.3. On October 30, 2012, the Petitioner filed a *Motion to Strike*, requesting that this Court strike the *Affidavit of Chris M. Bromley* dated July 7, 2011, and the *Second Affidavit of Chris M. Bromley* dated August 2, 2011, from the record. Hearing on both *Motions* was held before the Court on November 15, 2012. At the hearing, the Court set forth its ruling on both *Motions* and the supporting rationale from the bench, granting the *Motion to Strike* and denying the *Motion to Remand*.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The Petitioner’s *Motion to Strike* **is hereby granted**, and the following two documents are hereby stricken from the record in this proceeding: (a) *Affidavit of Chris M. Bromley* dated July 7, 2011, and (b) *Second Affidavit of Chris M. Bromley* dated August 2, 2011.
2. The Respondents’ *Motion to Remand* **is hereby denied**.

Dated Nov. 16, 2012


ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO STRIKE / ORDER DENYING MOTION TO REMAND was mailed on November 16, 2012, with sufficient first-class postage to the following:

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