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**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 )  
 SIDE CANAL COMPANY, A&B )  
 IRRIGATION DISTRICT, AMERICAN )  
 FALLS RESERVOIR DISTRICT#2, )  
 BURLEY IRRIGATION DISTRICT, )  
 MILNER IRRIGATION DISTRICT, and )  
 MINIDOKA IRRIGATION DISTRICT, )**

Petitioners, )

vs. )

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

Respondents. )

**Case No. CV-2012-2096**

**MOTION TO CONSOLIDATE /  
 MOTION TO EXPEDITE**

**(April 2012 Forecast Supply Order)**

**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 )  
\_\_\_\_\_ )**

COME NOW, Petitioners, A&B Irrigation District (“A&B”), American Falls Reservoir District #2 (“AFRD#2”), Burley Irrigation District (“BID”), Milner Irrigation District (“Milner”), Minidoka Irrigation District (“MID”), North Side Canal Company (“NSCC”), and Twin Falls Canal Company (“TFCC”) (collectively hereafter referred to as the “Surface Water Coalition”, “Coalition”, or “SWC”), by and through their undersigned counsel, and hereby move this Court for an order consolidating the above captioned appeal with *Idaho Ground Water Appropriators, Inc., et al. v. Spackman, et al.* (Consolidated Case Number CV-2010-382).

**MOTION TO CONSOLIDATE**

Consolidated Case No. CV-2010-382 involves 8 separate appeals.<sup>1</sup> Each challenges the legality and application of the Director of the Idaho Department of Water Resources’ *Amended Final Order Regarding Methodology for Determining Material Injury in Reasonable In-Season Demand and Reasonable Carryover* (June 23, 2010) (“Methodology Order”). Each case, including this case, challenges the Director’s continued application of the Methodology Order.

This appeal and each of the consolidated appeals arose out of the same events – i.e. the Coalition’s water call, the subsequent Methodology Order issued by the Director and the Director’s application of that Methodology Order. All cases address material injuries to senior priority surface water rights as caused by junior priority ground water rights, using the Methodology Order and how the Director addressed material injury pursuant to his Methodology

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<sup>1</sup> The 8 consolidated appeals include: *IGWA v. IDWR* (Case No. 2010-382) (Gooding County District Court); *IGWA v. IDWR* (Case No. CV-2010-383) (Gooding County District Court); *TFCC et al. v. IDWR* (Case No. CV-2010-384) (Gooding County District Court); *City of Pocatello v. IDWR* (Case No. CV-2010-387) (Gooding County District Court); *City of Pocatello v. IDWR* (Case No. CV-2010-388) (Gooding County District Court); *TFCC et al. v. IDWR* (Case No. CV-2010-3403) (Twin Falls County District Court); *TFCC, et al. v. IDWR* (Case No. CV-2010-5520) (Twin Falls County District Court); *TFCC, et al. v. IDWR* (Case No. CV-2010-5946) (Twin Falls County District Court).

Order. Since they arose out of the same events, rely on the same facts and involve common questions of law and fact, consolidation of this case with the other consolidated appeals is appropriate and will avoid unnecessary cost and delay to the parties. For these reasons, the Petitioners request that the Court grant this motion to consolidate.

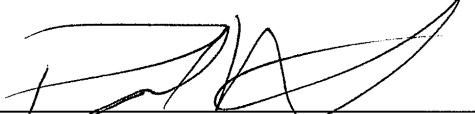
This motion is brought pursuant to I.R.C.P. 42 (a) and other applicable law.

**MOTION TO EXPEDITE**

The Petitioners further request the Court to expedite consideration of this motion so that it may be heard and decided as soon as possible. The Petitioners request oral argument on this motion.

**DATED** this 30<sup>TH</sup> day of October, 2013.

**BARKER ROSHOLT & SIMPSON LLP**




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**FLETCHER LAW OFFICE**



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 30<sup>th</sup> day of October, 2013, I served true and correct copies of the foregoing upon the following by the method indicated:

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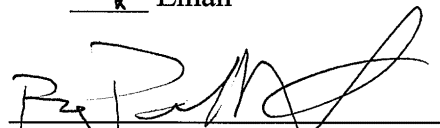
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