

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, NORTHSIDE CANAL COMPANY, A & BIRRIGATION DISTRICT, AMERICANFALLS RESERVOIR DISTRICT #2,BURLEY IRRIGATION DISTRICT,MILNER IRRIGATION DISTRICT, AND	Case No. CV 2013-2305 ORDER TREATING APPEARANCES AS MOTIONS TO INTERVENE AND GRANTING SAME
MINIDOKA IRRIGATION DISTRICT,)	GRANING SAME
Petitioners,	
vs.	
GARY SPACKMAN in his capacity as Director of the Idaho Department of Water Resources, and THE IDAHO DEPARTMENT OF WATER RESOURCES, THE IDAHO GROUND WATER APPROPRIATORS, INC., and THE CITY OF POCATELLO, Respondents.	
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	

On June 12, 2013, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed a *Notice* of *Appearance* in the above-captioned matter as a Respondent. On June 17, 2013, the City of Pocatello also filed a *Notice of Appearance* in the above-captioned matter as a Respondent. Although IGWA and the City of Pocatello were parties to the underlying administrative proceeding, neither was made a named party in the *Petition for Judicial Review* filed by the Petitioners in this matter. Pursuant to the *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources* issued by the Court in the above-captioned matter on June 11, 2013, the *Notices of Appearance* will be treated as *Motions to Intervene*.

This Court finds, following a review of the file, that IGWA and the City of Pocatello are real parties in interest to this proceeding, that IGWA and the City of Pocatello were parties to the underlying administrative proceeding from which judicial review is being requested, and that they have interests that could be affected by the outcome of this proceeding in the form of water rights. This Court further finds that no party has objected to IGWA or the City of Pocatello participating in this proceeding. Therefore, in exercising its discretion, this Court finds that IGWA and the City of Pocatello are entitled to leave to intervene as parties to this proceeding.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. IGWA's *Motion to Intervene* in the above-captioned proceeding is hereby granted.

2. The City of Pocatello's *Motion to Intervene* in the above-captioned proceeding is hereby **granted**.

3. All further captions used in this proceeding shall include IGWA and the City of Pocatello as a Respondents as shown above.

Dated MM 28, 2013

ÉRIC J. WILDMAN District Judge

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I certify that a true and correct copy of the ORDER TREATING APPEARANCES AS MOTIONS TO INTERVENE AND GRANTING SAME was mailed on June 28, 2013, with sufficient first-class postage to the following:

CITY OF POCATELLO Represented by: A. DEAN TRANMER CITY OF POCATELLO PO BOX 4169 POCATELLO, ID 83201 Phone: 208-234-6148

AMERICAN FALLS RESERVOIR TWIN FALLS, ID 833 Phone: 208-733-0700 C THOMAS ARKOOSH ARKOOSH LAW OFFICES 802 W BANNOCK ST SUITE 900 PO BOX 2900 BOISE, ID 83701 Phone: 208-334-5105

IDWR AND GARY SPACKMAN, IN HIS Phone: 303-595-9441 Represented by: GARRICK L BAXTER DEPUTY ATTORNEY GENERAL STATE OF IDAHO - IDWR PO BOX 83720 BOISE, ID 83720-0098 Phone: 208-287-4800

A&B IRRIGATION DISTRICT Add TRRIGATION DISTRICTCITY OF POCATELLOBURLEY IRRIGATION DISTRICTRepresented by:MILNER IRRIGATION DISTRICTRepresented by:NORTH SIDE CANAL COMPANYSARAH A KLAHNTWIN FALLS CANAL COMPANYWHITE & JANKOWSKI LLPRepresented by:KITTREDGE BUILDINGFormation of the state of the st JOHN K SIMPSON 1010 W JEFFERSON ST STE 102DENVER, CO 80202PO BOX 2139Phone: 303-595.94 PO BOX 2139 BOISE, ID 83701-2139 Phone: 208-336-0700

A&B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT MILNER IRRIGATION DISTRICT NORTH SIDE CANAL COMPANY A&B IRRIGATION DISTRICT TWIN FALLS CANAL COMPANY Represented by: Represented by: PAUL L ARRINGTON 195 RIVER VISTA PL STE 204 TWIN FALLS, ID 83301-3029

> CITY OF POCATELLO Represented by: PEMBERTON, MITRA M WHITE & JANKOWSKI LLP 511 16TH ST STE 500 DENVER, CO 80202

IDAHO GROUNL Represented by: RANDALL C BUDGE 201 E CENTER ST STE A2 TO BOX 1391 93204-1 POCATELLO, ID 83204-1391 Phone: 208-232-6101

> 511 16TH ST STE 500 Phone: 303-595-9441

IDAHO GROUND WATER Represented by: THOMAS J BUDGE 201 E CENTER ST PO BOX 1391 POCATELLO, ID 83204-1391 Phone: 208-232-6101

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(Certificate of mailing continued)

A&B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT MILNER IRRIGATION DISTRICT NORTH SIDE CANAL COMPANY TWIN FALLS CANAL COMPANY Represented by: TRAVIS L THOMPSON 195 RIVER VISTA PL STE 204 TWIN FALLS, ID 83301-3029 Phone: 208-733-0700

MINIDOKA IRRIGATION DISTRICT Represented by: W KENT FLETCHER 1200 OVERLAND AVE PO BOX 248 BURLEY, ID 83318-0248 Phone: 208-678-3250

DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098