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*Attorneys for Fremont Madison Irrigation
District and Idaho Irrigation District*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

CITY OF POCA TELLO,

Plaintiff,

vs.

IDAHO WATER RESOURCES BOARD,
IDAHO DEPARTMENT OF WATER
RESOURCES, GARY SPACKMAN, in his
capacity as Director of the Idaho Department
of Water Resources, and TONY
OLENICHAK, in his capacity as Water
District 01 Watermaster,

Defendants.

Case No. CV42-23-1668

**DECLARATION OF TRAVIS L.
THOMPSON IN SUPPORT OF
SPACEHOLDERS' MOTION TO
INTERVENE**

I, Travis L. Thompson, hereby declare and state as follows:

1. I am over the age of 18 and make this declaration based upon my personal knowledge. I am one of the attorneys representing Burley Irrigation District (i.e. one of the "Spaceholders") in this matter.

2. The Plaintiff in this matter filed an action against the Idaho Department of Water Resources (“IDWR”), the Director of the Idaho Department of Water Resources, the Idaho Water Resource Board (“IWRB”) and the Watermaster of Water District 01 alleging that Defendants have acted illegally, unconstitutionally and without authority in the delegation of WD 01 Rental Pool Procedures rulemaking to the Committee of Nine, the Advisory Committee to WD 01.
3. The Spaceholders hold various natural flow and storage water rights to the Snake River, including those identified on a list provided in Exhibit A to this Declaration.
4. The Court has not substantively nor substantially litigated these issues or set any type of briefing schedule.
5. The Spaceholders’ interests in this case are not adequately protected by Defendants. The Defendants are state agencies and employees that have a particular duty to the citizens of Idaho, not the Spaceholders’ water and storage rights. The Defendants’ litigation position will not adequately protect the Spaceholders' interests.
6. The Spaceholders' have common questions of fact or law in common with this main action, and intervention will not delay or prejudice the adjudication or any parties thereto.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED this 17th day of May, 2023.

MARTEN LAW LLP

/s/ Travis L. Thompson
Travis L. Thompson

Attorneys for Burley Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2023, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

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/s/ Travis L. Thompson

Travis L. Thompson

EXHIBIT A

Surface Water Rights:

Burley Irrigation District: 1-7, 1-211B, 1-214B

Fremont-Madison Irrigation District: 21-13144, 21-13158

Idaho Irrigation District: 1-75, 1-76, 1-312, 1-368, 1-369, 1-370, 1-10596, 1-10597, 1-4055E, 1-10043B, 1-10044D, 25-224, 25-12994

Storage Water Rights (U.S. Bureau of Reclamation/Spaceholders) include:

Lake Walcott: 1-219

American Falls: 1-2064, 1-10042, 1-10053

Palisades: 1-2068, 1-10043

Jackson Lake: 1-4055, 1-10044, 1-10045