

Randall C. Budge, ISB No. 1949
Thomas J. Budge, ISB No. 7465
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
201 E Center St/PO Box 1391
Pocatello, ID 83204
208-232-6101 – Telephone
208-232-6109 – Fax:
rcb@racinelaw.net
tjb@racinelaw.net

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DEPARTMENT OF
WATER RESOURCES

Attorneys for Idaho Ground Water Appropriators, Inc.

IN THE SUPREME COURT FOR THE STATE OF IDAHO

IN THE MATTER OF THE PETITION FOR
DELIVERY CALL OF THE A&B
IRRIGATION DISTRICT FOR THE
DELIVERY OF GROUND WATER AND
FOR THE CREATION OF A GROUND
WATER MANAGEMENT AREA

A & B IRRIGATION DISTRICT,
Petitioner-Appellant,

vs.

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

Respondents,

and

CITY OF POCATELLO,

Intervenor-Respondent,

and

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Intervenor.

Supreme Court Docket
No. 41069-2103

Snake River Basin Adjudication
Docket No. 2011-512

Ref. No. 13-332

**IDAHO GROUND WATER
APPROPRIATORS, INC.'s MOTION TO
BE DESIGNATED AS A RESPONDENT**

Idaho Ground Water Appropriators, Inc. ("IGWA") hereby moves this Court to designate it as a Respondent-Intervenor and to amend the title in accordance with the district court's *Order Treating Appearance as Motion to Intervene and Granting Same* dated September 6, 2011. The district court found that IGWA "is a real party in interest to this proceeding and that IGWA was a party to the underlying administrative proceeding from which judicial review is being requested," and ordered that "all further captions used in this proceeding shall include IGWA as a Respondent-Intervenor." A copy of the order is attached hereto as *Exhibit A*.

The captions on A&B's *Notice of Appeal* dated June 4, 2013 and *IDWR Response to A&B's Request to Add to the Record; IDWR Motion to Add to the Record* dated June 14, 2011, mistakenly identified IGWA as an intervenor only.

Therefore, IGWA respectfully requests that the Court designate IGWA as a Respondent-Intervenor and amend the title of this appeal accordingly.

RESPECTFULLY SUBMITTED this 22nd day of July, 2013.

RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

By: 
Thomas J. Budge

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2013, I caused to be served a true and correct copy of this document on the persons listed below in the manner(s) indicated.

Idaho Supreme Court Clerk of the Court PO Box 83720 451 W State St Boise, ID 83702	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> E-mail
Garrick Baxter Chris Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov kimi.white@idwr.idaho.gov Deborah.gibson@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Jerry Rigby Rigby Andrus 25 North Second East P.O. Box 250 Rexburg, ID 83440 jrigby@rex-law.com	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
John K. Simpson Travis L. Thompson Paul L. Arrington Sarah W. Higer Barker Rosholt & Simpson 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com swh@idahowaters.com	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail

Sarah A. Klahn
Mitra Pemberton
White & Jankowski LLP
511 Sixteenth Street, Ste. 500
Denver, CO 80202
sarahk@white-jankowski.com
mitrap@white-jankowski.com

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-Mail

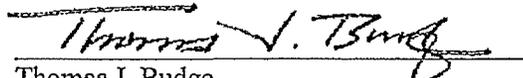

Thomas J. Budge

Exhibit A

Order Treating Appearance As Motion to Intervene and Granting Same

September 6, 2011

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

SEP - 6 2011

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.,

Respondent-Intervenor.

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 TREATING**
) **APPEARANCE AS MOTION TO**
) **INTERVENE AND GRANTING**
) **SAME**

On August 26, 2011, the Idaho Ground Water Appropriators, Inc. ("IGWA") filed a notice of appearance in the above-captioned matter. Although IGWA was a party to the underlying administrative proceeding, IGWA was not made a named party in *Petition for Judicial Review* filed by the Petitioner in this matter. Pursuant to the *Procedural Order Governing Judicial Review of the Final Order of Director of Idaho Department of Water*

Resources issued by the Court in the above-captioned matter on July 1, 2011, the *Notice of Appearance* will be treated as a *Motion to Intervene*.

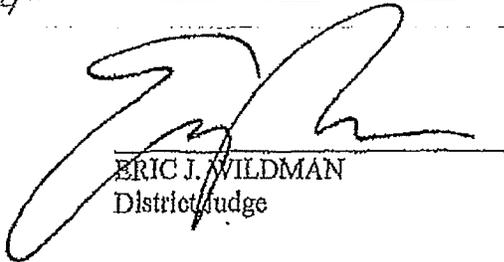
This Court finds, following a review of the file, that IGWA is a real party in interest to this proceeding and that IGWA was a party to the underlying administrative proceeding from which judicial review is being requested. This Court further finds that no party has objected to IGWA participating in this proceeding. Therefore, in exercising its discretion, this Court finds that IGWA is entitled to leave to intervene as a party to this proceeding.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. IGWA's *Motion to Intervene* in the above-captioned proceeding is hereby granted.
2. All further captions used in this proceeding shall include IGWA as a Respondent-Intervenor as shown above.

Dated

Sept 6, 2011



ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TREATING APPEARANCE AS MOTION TO INTERVENE AND GRANTING SAME was mailed on September 06, 2011, 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

A&B IRRIGATION DISTRICT
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

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

CITY OF POCATELLO
Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITFREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202
Phone: 303-595-9441

IDAHO GROUND WATER
Represented by:
CANDICE M. MC HUGH
101 S CAPITOL BLVD, STE 300
BOISE, ID 83702
Phone: 208-395-0011

A&B IRRIGATION DISTRICT
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

A&B IRRIGATION DISTRICT
Represented by:
HIGER, SARAH W
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

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

A&B IRRIGATION DISTRICT
Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

