



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 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 Petitioner requests that the Court grant this motion to consolidate.

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

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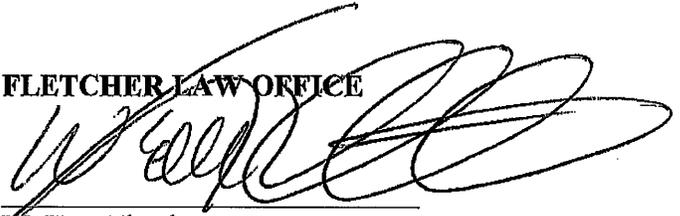
<sup>1</sup> The 8 consolidated appeals include: *IGWA v. IDWR* (Case No. 2010-382) (Gooding County District Court); *IGWA v. IDWR* (Case No. CV-2010-383) (Gooding County District Court); *TFCC et al. v. IDWR* (Case No. CV-2010-384) (Gooding County District Court); *City of Pocatello v. IDWR* (Case No.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

**MOTION TO EXPEDITE**

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

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

**FLETCHER LAW OFFICE**

A large, stylized handwritten signature in black ink, appearing to read 'W. Kent Fletcher', is written over a horizontal line.

W. Kent Fletcher

*Attorneys for American Falls Reservoir  
District #2 and Minidoka Irrigation District*

**CERTIFICATE OF SERVICE**

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

SRBA District Court  
253 3<sup>rd</sup> Ave. N.  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Garrick Baxter  
Deputy Attorney General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

John K. Simpson  
Travis L. Thompson  
Paul L. Arrington  
195 River Vista Place, Suite 204  
Twin Falls, Idaho 83301-3029

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Randy Budge  
T.J. Budge  
P.O. Box 1391  
Pocatello, Idaho 83204-1391

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Sarah Klahn  
Mitra Pemberton  
511 16<sup>th</sup> St., Suite 500  
Denver, CO 80202

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Dean Tranmer  
City of Pocatello  
P.O. Box 4169  
Pocatello, Idaho 83205

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Kathleen Carr  
U.S. Dept. of Interior  
960 Broadway Ste. 400  
Boise, Idaho 83706

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Matt Howard  
U.S. Bureau of Reclamation  
1150 N. Curtis Road  
Boise, Idaho 83706-1234

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Lyle Swank  
IDWR  
900 N. Skyline Dr.  
Idaho Falls, Idaho 83402-6105

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Allen Merritt  
Cindy Yenter  
IDWR  
1341 Fillmore St., Suite 200  
Twin Falls, Idaho 83301

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

William A. Parsons  
Parsons, Smith & Stone, LLP  
P.O. Box 910  
Burley, ID 83318

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

Michael C. Creamer  
Jeffrey C. Fereday  
601 W. Bannock  
P.O. Box 2720  
Boise, Idaho 83701-2720

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

David W. Gehlert  
Natural Resources Section  
U.S. Department of Justice  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

C. Tom Arkoosh  
Arkoosh Law Offices  
P.O. Box 2900  
Boise, Idaho 83701

U.S. Mail, Postage Prepaid  
 Hand Delivery  
 Overnight Mail  
 Facsimile  
 Email

  
W. Kent Fletcher