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Attorneys for the City of Pocatello

**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 Interim  
Director of the Idaho Department of Water Resources,  
and THE IDAHO DEPARTMENT OF WATER  
RESOURCES,

Respondents.

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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

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) Case No. CV-12-2096  
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)  
) **NOTICE OF APPEARANCE**  
) **AND MOTION TO AMEND**  
) **CAPTION AND TO**  
) **DESIGNATE CITY OF**  
) **POCATELLO**  
) **AS A RESPONDENT**  
)  
) Fee Category:  
) (Exempt I.C. §67-2301)

TO: CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL COUNSEL OF RECORD:

YOU ARE HEREBY NOTIFIED THAT Sarah A. Klahn of the firm White & Jankowski, LLP hereby enters her appearance as attorney of record for and on behalf of the City of Pocatello (“Pocatello”). Pocatello also requests the Court amend the caption in this matter to reflect that Pocatello is a Respondent in this appeal.

On May 18, 2012, the Surface Water Coalition filed an appeal of several final orders by the Director of the Idaho Department of Water Resources (“IDWR”) in IDWR Docket No. CM-DC-2010-001 (“Final Order”). On May 15, 2012 the Interim Director of IDWR issued an Order Designating City of Pocatello a Respondent in IDWR Docket No. CM-DC-2010-001. The Director found that

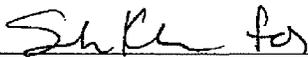
The Final Order examined the SWC’s water supply for the 2012 irrigation season for the purpose of determining material injury caused by junior ground water pumping. Pocatello is a municipal corporation of the State of Idaho which diverts water from the Eastern Snake Plane Aquifer within Water District 120. Pocatello has been and is a party to the proceedings which originated from the Director’s September 5, 2008 Final Order as a result of the SWC’s Delivery Call. Pocatello is a respondent.

Pocatello is also a party to the initial ongoing administrative proceeding involved in this matter, known as the SWC Delivery Call. The SWC Delivery Call involved investigations into injury that the SWC alleges is caused by junior ground water users like Pocatello. That proceeding resulted in the Director issuing an order establishing a methodology to determine injury to SWC members, which is currently stayed on appeal before this Court in Case No. CV-2010-382. In the above-captioned matter, SWC has appealed a May 9, 2012 final order regarding this methodology. The result of this appeal of the Director’s methodology will materially affect Pocatello, as Pocatello’s ground water supply may become the subject of curtailment orders.

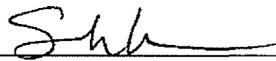
For the foregoing reasons and because Pocatello was properly admitted to participate as a respondent in the underlying administrative proceeding IDWR Docket No. CM-DC-2010-001, Pocatello should be designated as a respondent in this matter and respectfully requests that the Court amend the caption to reflect this party status.

Respectfully submitted this 24th day of May, 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE

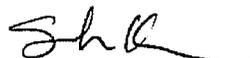
By   
A. Dean Tranmer

WHITE & JANKOWSKI, LLP

By   
Sarah A. Klahn

## CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of May, 2012, I caused to be served a true and correct copy of the foregoing **Notice of Appearance and Motion to Amend Caption to Designate City of Pocatello as a Respondent** in Case No. CV-12-2096, Twin Falls County upon the following by the method indicated:



Sarah Klahn, White & Jankowski, LLP

<p><i>Original to:</i> Twin Falls County District Court 425 Shoshone St. N. PO Box 126 Twin Falls ID 83303</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile 208-736-4155, Phone 208-736-4004 <input type="checkbox"/> Email</p>
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<p>W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-878-2548 <input checked="" type="checkbox"/> Email</p>
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<p>Randall C. Budge Candice M. McHugh Racine Olson Nye Budge &amp; Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 <a href="mailto:rnb@racinelaw.net">rnb@racinelaw.net</a> <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-433-0167 <input checked="" type="checkbox"/> Email</p>
<p>Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile 208-234-6297 <input checked="" type="checkbox"/> Email</p>

<p>Kathleen Carr  US Dept Interior  960 Broadway Ste 400  Boise ID 83706  kathleenmarion.carr@sol.doi.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-334-1907  <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert  Natural Resources Section  Environment &amp; Natural Resources Division  US Dept of Justice  999 – 18<sup>th</sup> St Ste 370, South Terrace  Denver CO 80202  david.gehlert@usdoj.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 303-844-1350  <input checked="" type="checkbox"/> Email</p>
<p>Michael C Creamer  Jeffery C. Fereday  Givens Pursley  PO Box 2720  Boise ID 83701-2720  mcc@givenspursley.com  jcf@givenspursley.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-388-1300  <input checked="" type="checkbox"/> Email</p>
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<p>Matt Howard  US Bureau of Reclamation  1150 N Curtis Road  Boise ID 83706-1234  mhoward@pn.usbr.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>
<p>Lyle Swank  IDWR – Eastern Region  900 N Skyline Dr  Idaho Falls ID 83402-6105  lyle.swank@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>
<p>Allen Merritt  Cindy Yenter  IDWR – Southern Region  1341 Filmore St Ste 200  Twin Falls ID 83301-3033  allen.merritt@idwr.idaho.gov  cindy.yenter@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>