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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 GOODING**

IDAHO GROUND WATER	)	
APPROPRIATORS, INC.,	)	
	)	
Petitioner,	)	<b>Case No. CV-2010-382</b>
	)	
vs.	)	(consolidated Gooding County
	)	Cases CV-2010-382, 2010-383, 2010-
CITY OF POCATELLO,	)	384, 2010-387, 2010-388, and Twin
	)	Falls County Cases CV-2010-3403,
Petitioner,	)	2010-5520, 2010-5946, 2012-2096,
	)	2013-2305, 2013-4417, and Lincoln
vs.	)	County Case CV-2013-155)
	)	
TWIN FALLS CANAL COMPANY, NORTH	)	CITY OF POCATELLO'S NOTICE
SIDE CANAL COMPANY, A&B IRRIGATION	)	OF APPEAL
DISTRICT, AMERICAN FALLS RESERVOIR	)	
DISTRICT #2, BURLEY IRRIGATION	)	Fee category: exempt
DISTRICT, MILNER IRRIGATION DISTRICT,	)	
and MINIDOKA IRRIGATION DISTRICT,	)	
	)	
Petitioners,	)	

vs. )  
 )  
 GARY SPACKMAN, in his capacity as )  
 Director of the Idaho Department of Water Resources,)  
 and the IDAHO DEPARTMENT OF WATER )  
 RESOURCES, )  
 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 )  
 \_\_\_\_\_ )

TO: THE ABOVE-NAMED PETITIONERS, IDAHO GROUND WATER APPROPRIATORS, INC., 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, AND RESPONDENTS GARY SPACKMAN, IN HIS CAPACITY AS DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES, AND THE IDAHO DEPARTMENT OF WATER RESOURCES, AND THE PARTIES’ ATTORNEYS AS IDENTIFIED ON THE CERTIFICATE OF SERVICE BELOW; AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant, THE CITY OF POCATELLO (“Appellant”) appeals the following orders of the District Court, the Honorable Eric J. Wildman presiding: an *Order Denying Petitions for Rehearing*, entered November 17, 2014; an *Order Denying Motion to Alter or Amend Judgment*, entered November 17, 2014; a *Memorandum Decision and Petition for Judicial Review* entered September 26, 2014; and a *Judgment* (“*Judgment*”), entered on September 26, 2014.

2. The Appellant has a right to appeal to the Idaho Supreme Court pursuant to Rule 11(f) of the Idaho Appellate Rules.

3. The following is a preliminary statement of issues Pocatello intends to assert on appeal, provided this list shall not prevent the Appellant from asserting other issues on appeal:

- a. Whether the 2010 Methodology Order calculates Reasonable In Season Demand in a manner consistent with Idaho law and the law of the case.

- b. Whether the 2010 Methodology Order calculates Forecast Supply in a manner consistent with Idaho law and the law of the case.
- 4. No order has been entered sealing any portion of the record.
- 5. Appellant does not request a transcript of hearings before this Court, but requests a copy of the transcript from the agency proceedings before the Idaho Department of Water Resources, which were previously included in the record before this Court.
- 6. The Appellant requests that all documents, exhibits, filings and transcripts that are part of the agency record in this case, plus all documents automatically included in the record under Rule 28 of the Idaho Appellate Rules, be made a part of the clerk's record on appeal, including the clerk's record in Gooding County Case No. CV-2008-551.
- 7. The Appellant requests that all of the exhibits included in the agency record be copied and sent to the Supreme Court.
- 8. I certify:
  - a. That a copy of this notice of appeal has been served on the reporter.
  - b. That the fee required for the preparation of the reporter's transcript was paid in conjunction with the District Court's judicial review of this action.
  - c. That the estimated fee for preparation of the clerk's record has been paid.
  - d. That Appellant is exempt from the filing fee pursuant to Idaho Code section 67-2301.
  - e. That service has been made upon all parties required to be served pursuant to Idaho Appellate Rule 20.

Respectfully submitted, this 29<sup>th</sup> day of December, 2014.

CITY OF POCATELLO ATTORNEY'S OFFICE  
Attorneys for the City of Pocatello

By   
A. Dean Tranmer

WHITE & JANKOWSKI, LLP  
Attorneys for the City of Pocatello

By   
Sarah A. Klahn

By   
Mitra M. Pemberton

## CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2014, I caused to be served a true and correct copy of the foregoing **City of Pocatello's Notice of Appeal** in **SRBA Case No. CV-2010-382, Gooding County** upon the following by the method indicated below:

  
 \_\_\_\_\_  
 Sarah Klahn, White & Jankowski, LLP

Julie Murphy, Deputy Clerk SRBA District Court 253 3rd Ave North P.O. Box 2707 Twin Falls ID 83303-2707	<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 208-736-2121, Phone 208-736-3011 <input type="checkbox"/> Email
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