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IN THE SUPREME COURT FOR THE STATE OF IDAHO

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.	**Supreme Court Docket No. 38382-2010** **Minidoka County Docket No. 2009-647**
A&B IRRIGATION DISTRICT, Petitioner-Respondent, v. IDAHO DEPARTMENT OF WATER RESOURCES, and GARY SPACKMAN, Respondent-Appellant, v. IDAHO GROUND WATER APPROPRIATORS, INC., CITY OF POCATELLO, FREMONT MADISON IRRIGATION DISTRICT, ROBERT	**MOTION TO WITHDRAW NOTICE OF APPEAL AND AMENDED NOTICE OF APPEAL**

HUSKINSON, SUE HUSKINSON, SUN-GLO INDUSTRIES, VAL SCHWENDIMAN FARMS, INC., DAVID SCHWENDIMAN FARMS, INC., DARRELL C. NEVILLE, SCOTT C. NEVILLE, STAN D. NEVILLE,

Intervenors-Respondents.

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.

A&B IRRIGATION DISTRICT,

Petitioner-Appellant,

v.

IDAHO DEPARTMENT OF WATER RESOURCES, and GARY SPACKMAN, in his official capacity as Interim Director of the IDAHO DEPARTMENT OF WATER RESOURCES,

Defendants-Respondents,

and

THE IDAHO GROUND WATER APPROPRIATORS, INC., CITY OF POCATELLO, FREMONT MADISON IRRIGATION DISTRICT, ROBERT & SUE HUSKINSON, SUN-GLO INDUSTRIES, VAL SCHWENDIMAN FARMS, INC., DAVID SCHWENDIMAN FARMS, INC., DARRELL C. NEVILLE, SCOTT C. NEVILLE, STAN D. NEVILLE,

Intervenors.

Supreme Court Docket No. 38403-2011
Minidoka County Docket No. 2009-647

MOTION TO WITHDRAW NOTICE OF APPEAL AND AMENDED NOTICE OF APPEAL

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.

Supreme Court Docket No. 38421-2011
Minidoka County Docket No. 2009-647

A&B IRRIGATION DISTRICT,

Petitioner-Respondent,

v.

THE IDAHO DEPARTMENT OF WATER RESOURCES, and GARY SPACKMAN, in his official capacity as Interim Director of the IDAHO DEPARTMENT OF WATER RESOURCES,

Respondents-Respondents on Appeal,

and

CITY OF POCATELLO,

Intervenor-Appellant,

THE IDAHO GROUND WATER APPROPRIATORS, INC.,

Intervenor-Respondent,

and

FREMONT MADISON IRRIGATION DISTRICT, ROBERT HUSKINSON, SUE HUSKINSON, SUN-GLO INDUSTRIES, VAL SCHWENDIMAN FARMS, INC., DAVID SCHWENDIMAN FARMS, INC., DARRELL C. NEVILLE, SCOTT C. NEVILLE, STAN D. NEVILLE,

Intervenors.

MOTION TO WITHDRAW NOTICE OF APPEAL AND AMENDED NOTICE OF APPEAL

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.	**Supreme Court Docket No. 38422-2011** **Minidoka County Docket No. 2009-647**
A&B IRRIGATION DISTRICT, Petitioner-Respondent, v. IDAHO DEPARTMENT OF WATER RESOURCES, and Respondent-Respondent on Appeal, and GARY SPACKMAN, in his official capacity as Interim Director of the IDAHO DEPARTMENT OF WATER RESOURCES, Respondent, and IDAHO GROUND WATER APPROPRIATORS, INC., Intervenor-Appellant, CITY OF POCATELLO, Intervenor-Respondent, and FREMONT MADISON IRRIGATION DISTRICT, ROBERT HUSKINSON, SUE HUSKINSON, SUN-GLO INDUSTRIES, VAL SCHWENDIMAN FARMS, INC., DAVID SCHWENDIMAN FARMS, INC., DARRELL C. NEVILLE, SCOTT C.	**MOTION TO WITHDRAW NOTICE OF APPEAL AND AMENDED NOTICE OF APPEAL**

NEVILLE, STAN D. NEVILLE,)
)
Intervenors.)
)

COME NOW Appellants, the Idaho Department of Water Resources and Gary Spackman, Interim Director (collectively referred to herein as "IDWR"), and hereby move the Court, pursuant to Idaho Appeallate Rule 32, to authorize the withdrawal of its *Notice of Appeal* and *Amended Notice of Appeal*. IDWR filed its *Notice of Appeal* on December 10, 2010. IDWR filed its *Amended Notice of Appeal* on December 13, 2010. IDWR will participate in the above-captioned appeals as respondents.

DATED this 14th day of April, 2011.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Chief, Natural Resources Division
Deputy Attorney General

CHRIS M. BROMLEY
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2011, I caused to be served a true and correct copy of the foregoing *Motion to Withdraw Notice of Appeal* to the following parties by the indicated methods:

Idaho Supreme Court 451 W. State St. (83702) P.O. Box 83720 Boise, ID 83720-0101	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email
Deputy Clerk Clerk of Minidoka County Court 715 G Street P.O. Box 368 Rupert, ID 83350 Fax: (208) 436-5272	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☐ Email
John K. Simpson Travis Thompson Paul L. Arrington Sarah W. Higer BARKER ROSHOLT & SIMPSON LLP 113 Main Avenue West, Suite 303 P.O. Box 485 Twin Falls, ID 83303-0485 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Overnight Mail ☐ Facsimile ☒ Email
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