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IN THE SUPREME COURT OF 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.)
-----)
A&B IRRIGATION DISTRICT,)
)
Petitioner-Appellant,)
)
v.)
)
THE IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN, in his)
official capacity as Director of THE IDAHO)
DEPARTMENT OF WATER RESOURCES,)
)
Respondents,)
)
and)
)
THE CITY OF POCATELLO and IDAHO)
GROUND WATER APPROPRIATORS, INC.,)
)
Intervenors.)

**CITY OF POCATELLO'S
PETITION TO BE
DESIGNATED AS A
RESPONDENT AND TO AMEND
THE CAPTION**

Supreme Court Docket No.
41069-2013
Snake River Basin Adjudication
No. 2011-512

The City of Pocatello (“Pocatello”), by and through its counsel White & Jankowski, LLP, hereby petitions to be designated as a “Respondent-Intervenor” in the above-captioned proceeding and to amend the caption accordingly.

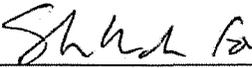
The above-captioned matter before this Court concerns A&B Irrigation District’s third appeal of its delivery call proceeding before the Idaho Department of Water Resources. *See generally A & B Irr. Dist. v. Idaho Dep’t of Water Res.*, No. 39196-2011, 2012 WL 4055353 (Idaho Sept. 14, 2012); *A & B Irr. Dist. v. Idaho Dep’t of Water Res.*, 153 Idaho 500, 503, 284 P.3d 225, 228 (2012). Pocatello was designated as an Intervenor-Respondent in both prior appeals. *See* 153 Idaho 500, 284 P.3d 225; *Order Amending Title*, Supreme Court Docket No. 39196-2011, SRBA Case No. 2011-512 (Idaho Dec. 14, 2011).

In the above-captioned proceeding, Pocatello was designated as a “Respondent-Intervenor” by the district court. *See* Exhibit A attached, *Order Treating Appearance as Motion to Intervene and Granting Same* (Sept. 13, 2011). The caption of A&B Irrigation District’s Notice of Appeal dated June 4, 2013 incorrectly identifies Pocatello as an “Intervenor” and does not designate Pocatello as a party to this appeal. As explained above, Pocatello has been a respondent to these proceedings since their inception and is a party to this appeal pursuant to an order of the district court. Pocatello is materially affected by the outcome of this appeal, as Pocatello owns and operates water rights that may become the subject of curtailment orders.

Based on the foregoing, Pocatello respectfully requests that the Court designate Pocatello as a Respondent-Intervenor in the above captioned matter and amend the caption accordingly.

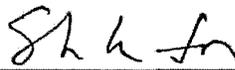
Respectfully submitted, this 20th day of June, 2013.

CITY OF POCA TELLO ATTORNEY'S OFFICE

By 
A. Dean Tranmer

WHITE & JANKOWSKI, LLP

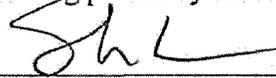
By 
Sarah A. Klahn

By 
Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCA TELLO

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2013, a copy of **City of Pocatello's Petition to be Designated as a Respondent and to Amend the Caption in Idaho Supreme Court Docket No. 41069-2013** was served to the following parties by the method indicated:



Sarah A. Klahn, White & Jankowski, LLP

Idaho Supreme Court
Clerk of the Courts
451 West State Street
Boise ID 83702

Phone 208-334-2210
[via Federal Express delivery]

Via U.S. mail and electronic mail to:

<p>Garrick Baxter Chris Bromley Deputy Attorneys General Idaho Dept of Water Resources PO Box 83720 Boise ID 83720-0098</p> <p>garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p> <p>kimi.white@idwr.idaho.gov deborah.gibson@idwr.idaho.gov</p>	<p>John K. Simpson Travis L. Thompson Paul L. Arrington Sarah W. Higer Barker Rosholt & Simpson 195 River Vista Place Ste 204 Twin Falls ID 83301-3029</p> <p>jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com swh@idahowaters.com</p>	
<p>Jerry R. Rigby Rigby Andrus and Moeller 25 N 2nd East Rexburg ID 83440</p> <p>jrigby@rex-law.com</p>	<p>Randy Budge Candice M. McHugh Racine Olson Nye Budge & Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702</p> <p>rbc@racinelaw.net cmm@racinelaw.net</p>	<p>A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201</p> <p>dtranmer@pocatello.us</p>

SEP 15 2011

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

SEP 13 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)	Case No. CV 2011-512
)	
Petitioner,)	ORDER TREATING
)	APPEARANCE AS MOTION TO
vs.)	INTERVENE AND GRANTING
)	SAME
)	
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., and THE CITY OF)	
POCATELLO,)	
)	
Respondents-Intervenors.)	
_____)	
)	
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)	

On September 2, 2011, the City of Pocatello filed a notice of appearance in the above-captioned matter. Although the City of Pocatello was a party to the underlying administrative proceeding, it 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 the City of Pocatello is a real party in interest to this proceeding and that it 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 the City of Pocatello participating in this proceeding. Therefore, in exercising its discretion, this Court finds that the City of Pocatello is entitled to leave to intervene as a party to this proceeding.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

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

Dated September 13, 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 13, 2011, with sufficient first-class postage to the following:

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IDAHO GROUND WATER
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IDWR AND GARY SPACKMAN, IN HIS
Represented by:
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DEPUTY ATTORNEY GENERAL
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