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DEPARTMENT OF
WATER RESOURCES

A. Dean Tranmer, ISB # 2793
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)
dtranmer@pocatello.us

Sarah A. Klahn, ISB #7928
Mitra M. Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com
mitrap@white-jankowski.com

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 MINIDOKA

A & B IRRIGATION DISTRICT, Petitioner, vs. 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.	Case No. CV 2011-512 **CITY OF POCATELLO'S OBJECTION TO THE CLERK'S RECORD AND NOTICE OF HEARING** Supreme Court Docket No. 41069-2013
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	))))))

Comes now, The City of Pocatello ("Pocatello"), by and through its counsel of record, and respectfully objects pursuant to Idaho Appellate Rule 29(a) to the clerk's record filed in this matter. Pocatello is authorized to state that the Idaho Department of Water Resources and Idaho Ground Water Appropriators, Inc. stipulate to these additions to the record.

The clerk's record is incomplete in that it does not include all of the documents considered by the District Court in reaching its April 25, 2013 *Memorandum Decision on Petition for Judicial Review* in the above-captioned matter. Much of the District Court's decision that is the subject of this appeal relies on what issues were and were not raised in a prior appeal of this matter, Minidoka County Case No. CV 2009-647. *See, e.g.*, Memorandum Decision at 4, 8, 11, 13 (citing and relying on pleadings from Case No. CV-2009-647). *See also* Memorandum Decision at 10 ("This is an issue that could have been raised in the first *Petition for Judicial Review* in Minidoka County Case No. CV-2009-647 but was not.").

Accordingly, Pocatello requests that the following documents filed in Minidoka County Case No. CV 2009-647 be included in the clerk's record on appeal:

1.	Statement of Initial Issues, petitioner, A&B	09/14/09
2.	Opening Brief, petitioner, A&B	12/30/09
3.	Respondents' Brief, IDWR	01/28/10
4.	Respondents' Response Brief, IGWA	01/28/10
5.	Respondents' Response Brief, Pocatello	01/29/10
6.	Reply Brief, petitioner, A&B	02/22/10

7.	Memorandum Decision and Order on Petition for Judicial Review	05/04/10
8.	Response to IGWA's and Pocatello's Opening Briefs on Rehearing, A&B	08/25/10
9.	Memorandum Decision and Order on Petitions for Rehearing	11/02/10
10.	Notice of Appeal, A&B	12/28/10

Notice is hereby given that Pocatello will call up its objection to be heard before the Court on **September 9, 2013 at 2:30 p.m.**, at the Snake River Basin Adjudication Court, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by calling: 1-215-446-0193 and when prompted entering code 406128 followed by the # sign.

Respectfully submitted this 20th day of August, 2013.

CITY OF POCATELLO ATTORNEY'S OFFICE

By _____
A. Dean Tranmer

WHITE & JANKOWSKI

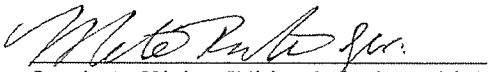
By _____
Sarah A. Klahn

By _____
Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCATELLO

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of August, 2013, a copy of **City of Pocatello's Objection to the Clerk's Record and Notice of Hearing [09-09-13 at 2:30pm)** in **SRBA Case CV-2011-512, Minidoka County** was served to the following parties as noted:



Sarah A. Klahn, White & Jankowski, LLP

Julie Murphy, Deputy Clerk SRBA 253 3rd Avenue North PO Box 2707 Twin Falls ID 83303-2707 Phone 208-736-3011 Facsimile 208-736-2121 Via Facsimile	IDWR Document Depository PO Box 83720 Boise ID 83720-0098 Via U.S. mail

Via electronic mail to:

Garrick Baxter Chris Bromley Deputy Attorneys General Idaho Dept of Water Resources PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov deborah.gibson@idwr.idaho.gov	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 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com swh@idahowaters.com
A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 dtranmer@pocatello.us	Randall Budge Racine Olson Nye Budge & Bailey 101 S Capitol Blvd Ste 300 Boise ID 83702 rcb@racinelaw.net