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Attorneys for Respondent

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
<b>DEC 17 2010</b>	
By _____	Clerk
_____	Deputy Clerk

**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.,	)
	)
Petitioners,	)
	)
vs.	)
	)
CITY OF POCATELLO,	)
	)
Petitioner,	)
	)
vs.	)
	)
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,	)

**Case No. CV-2010-382**  
  
(consolidated Gooding County  
Cases CV-2010-382, CV-2010-383,  
CV-2010-384, CV-2010-387,  
CV-2010-388, and Twin Falls  
County Case CV-2010-3403)

Fee Category: Exempt

**NOTICE OF LODGING  
TRANSCRIPTS AND  
RECORDS WITH THE  
DISTRICT COURT**

vs.

GARY SPACKMAN, in his capacity as Interim 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 DISTRICT COURT AND PARTIES OF RECORD

TO: THE DISTRICT COURT AND PARTIES OF RECORD:

On November 5, 2010, the Idaho Department of Water Resources ("IDWR") provided notice to the parties that the agency transcript and record in this matter were lodged with the agency for the purpose of settlement in accordance with the I.R.C.P. 84(j). Pursuant to the notice, the parties had fourteen (14) days to file any objections to the transcript and record.

On November 19, 2010 Idaho Ground Water Appropriators, Inc. timely filed their *Ground Water Users' Objection to Agency Record*. Certain errors and omissions were identified and were brought to IDWR's attention.

Upon the changes reflected in the Ground Water Users' Objection being made to the record and transcripts, the transcript and record are deemed settled pursuant to I.R.C.P. 84(j).

YOU ARE HEREBY NOTIFIED that the settled transcript and record is being filed with the District Court pursuant to I.R.C.P. 84(k). A compact disk dated December 17, 2010, containing copies of the record and transcripts as filed with the Court in hard copy, is being mailed with this Notice to the attorneys of record. A copy of the compact disk also is being provided to the Court in OCR formatting.

**This notice informs the parties that the agency has available the DVDs of the contents of the transcript and record for CV-2010-382 as well as the Agency record filed with the District Court on February 5, 2009 and the District Court record for CV-2008-551 as contained in the files of the Department and will provide copies of the DVDs to the parties upon request.** The Department wishes to inform the Petitioner that the Department incurred additional expenses to comply with the objections filed to the Agency Record as lodged with the Agency on October 1, 2010. Pursuant to Rule 84(j) the Petitioner has an additional fee for preparation of the record in the amount of \$1,388.70. According to Rule 84(j) and the Court's Procedural Order issued in this matter on August 3, 2010, the Petitioner is requested to pay this balance prior to receipt of the CD. Furthermore, no fee is required for preparation of the transcript, because the Petitioner previously paid its share of the preparation of the hearing transcript.

The parties have fourteen (14) days from the date of this notice to file any objections to the transcript and record. If no objections are filed within that time, the record shall be deemed settled. Any objections filed pursuant to I.R.C.P. 84(j) the agency's decision on the objection

thereon shall be included in the record. Thereafter, the agency shall file the settled transcript and record with the district court pursuant to I.R.C.P. 84(k).

DATED this 17<sup>th</sup> day of December, 2010.

LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Chief, Natural Resources Division



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GARRICK L. BAXTER  
CHRIS M. BROMLEY  
Deputy Attorneys General  
Idaho Department of Water Resources

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of December, 2010, I caused a true and correct copy of the foregoing **NOTICE OF LODGING TRANSCRIPTS AND RECORDS WITH THE DISTRICT COURT** to be filed with the Court and served on the following parties by the indicated methods:

<p><i>Original to:</i>            SRBA Court            253 3<sup>rd</sup> Ave. North            P.O. Box 2707            Twin Falls, ID 83303-2707            Facsimile: (208) 736-2121</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input checked="" type="checkbox"/> Facsimile</p>
<p>John A. Rosholt            John K. Simpson            Travis L. Thompson            Paul L. Arrington            BARKER ROSHOLT &amp; SIMPSON, LLP            P.O. Box 485            Twin Falls, ID 83303  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>  <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</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  <input type="checkbox"/> Email</p>
<p>C. Thomas Arkoosh            CAPITOL LAW GROUP, PLLC            P.O. Box 32            Gooding, ID 83330  <a href="mailto:tarkoosh@capitollawgroup.net">tarkoosh@capitollawgroup.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  <input type="checkbox"/> Email</p>
<p>W. Kent Fletcher            FLETCHER LAW OFFICE            P.O. 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  <input type="checkbox"/> Email</p>

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A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83201 <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Sarah A. Klahn WHITE & JANKOWSKI LLP 511 Sixteenth Street, Suite 500 Denver, CO 80202 <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email



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 Chris M. Bromley  
 Deputy Attorneys General