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ATTORNEYS FOR THE CITY OF POCATELLO

**BEFORE DEPARTMENT OF WATER RESOURCES  
STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION )  
OF WATER TO VARIOUS WATER ) Docket No. CM-DC-2010-001  
RIGHTS HELD BY OR FOR THE )  
BENEFIT OF A&B IRRIGATION ) **POCATELLO'S PETITION TO BE**  
DISTRICT, AMERICAN FALLS ) **DESIGNATED AS RESPONDENT**  
RESERVOIR DISTRICT #2 BURLEY )  
IRRIGATION DISTRICT, MILNER )  
IRRIGATION DISTRICT, MINIDOKA )  
IRRIGATION DISTRICT, NORTH SIDE )  
CANAL COMPANY, AND TWIN FALLS )  
CANAL COMPANY )  
\_\_\_\_\_ )

TO THE IDAHO DEPARTMENT OF WATER RESOURCES AND ALL INTERESTED PARTIES:

The City of Pocatello ("Pocatello"), by and through its counsel, White & Jankowski, LLP, hereby petitions to be designated as a "Respondent" in the above captioned proceeding, pursuant to the Rules of Procedure of the Idaho Department of Water Resources. IDAPA § 37.01.01.

On April 27, 2012 the Surface Water Coalition ("SWC") filed its *Petition Requesting*

1-8) / Motion to Authorize Discovery ("SWC's Petition"). On May 9, 2012, the Director denied SWC's Petition.

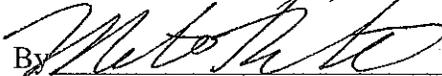
Rule 154 of Department's Rules of Procedure defines "respondents" as "[p]ersons against whom complaints are filed or about whom investigations are initiated." IDAPA 37.01.01.154. Pocatello is a municipal corporation of the State of Idaho which diverts its municipal water supply from wells in the Eastern Snake Plan Aquifer within Water District 120. Pocatello also owns and operates associated surface water rights, including rights to water stored in Palisade Reservoir. Pocatello has been and is a party to the proceedings which originated from the Director's September 5, 2008 Final Order as a result of the SWC's Delivery Call. Any changes to the Director's April 13, 2012 Final Order which might result from the SWC's Petition are likely to materially affect Pocatello, as Pocatello's ground water supply may become the subject of curtailment orders. Because the above captioned proceedings will involve investigations into injury which the SWC alleges is being caused by junior water users, Pocatello is a "respondent" under Rule 154. Accordingly, Pocatello requests that it be designated as a respondent and permitted to participate in the above captioned matters.

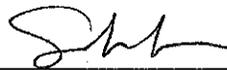
Respectfully submitted this 10th day of May, 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE

By   
A. Dean Tranmer

WHITE & JANKOWSKI, LLP

By   
Mitra M. Pemberton

By   
Sarah A. Klahn

ATTORNEYS FOR CITY OF POCATELLO

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of May, 2012, I caused to be served a true and correct copy of the foregoing **Pocatello's Petition To Be Designated As Respondent** for **Docket No. CM-DC-2010-001** upon the following by the method indicated:

*SKW*

Sarah Klahn, White & Jankowski, LLP

<p>Gary Spackman, Interim Director State of Idaho, Dept of Water Resources 322 E Front St PO Box 83720 Boise ID 83720-0098 victoria.wigle@idwr.idaho.gov</p>	<p><input checked="" type="checkbox"/> Original sent via U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail – Federal Express <input type="checkbox"/> Facsimile – 208-287-6700 = Phone – 208-287-4942 <input checked="" type="checkbox"/> Email</p>
<p>C. Thomas Arkoosh Capitol Law Group PO Box 32 Gooding ID 83330 tarkoosh@capitolawgroup.net</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-934-8873 <input checked="" type="checkbox"/> Email</p>
<p>John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt &amp; Simpson 113 Main Ave West Ste 303 PO Box 485 Twin Falls ID 83303-0485 tlt@idahowaters.com jks@idahowaters.com pal@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-735-2444 <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile – 208-878-2548 <input checked="" type="checkbox"/> Email</p>
<p>Garrick L. Baxter Chris M. Bromley Deputy Attorneys General – IDWR PO Box 83720 Boise ID 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile - 208-287-6700 <input checked="" type="checkbox"/> Email</p>
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<p>Kathleen Carr  US Dept Interior  960 Broadway Ste 400  Boise ID 83706  kathleenmarion.carr@sol.doi.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile – 208-334-1907  <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert  Natural Resources Section  Environment &amp; Natural Resources Division  US Dept of Justice  999 – 18<sup>th</sup> St, South Terrace Ste 370  Denver CO 80202  david.gehlert@usdoj.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile – 303-844-1350  <input checked="" type="checkbox"/> Email</p>
<p>Michael C Creamer  Jeffery C. Fereday  Givens Pursley  601 W Bannock St Ste 200  PO Box 2720  Boise ID 83701-2720  mcc@givenspursley.com  jcf@givenspursley.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile 208-388-1300  <input checked="" type="checkbox"/> Email</p>
<p>William A. Parsons  Parsons Smith Stone Loveland &amp; Shirley LLP  137 West 13<sup>th</sup> St  PO Box 910  Burley ID 83318  wparsons@pmt.org</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile – 208-878-8382  <input checked="" type="checkbox"/> Email</p>
<p>Matt Howard  US Bureau of Reclamation  1150 N Curtis Road  Boise ID 83706-1234  mhoward@pn.usbr.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile –  <input checked="" type="checkbox"/> Email</p>
<p>Lyle Swank  IDWR – Eastern Region  900 N Skyline Dr  Idaho Falls ID 83402-6105  lyle.swank@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile –  <input checked="" type="checkbox"/> Email</p>
<p>Allen Merritt  Cindy Yenter  IDWR – Southern Region  1341 Filmore St Ste 200  Twin Falls ID 83301-3033  allen.merritt@idwr.idaho.gov  cindy.yenter@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Email</p>