District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho OCT 15 2820 W. Kent Fletcher, ISB #2248 FLETCHER LAW OFFICE Clerk P.O. Box 248 Deputy Clerk Burley, Idaho 83318 Telephone: (208) 678-3250

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Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

Attorneys for American Falls Reservoir District #2 and Minidoka Irrigation District

# IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BASIN 33 WATER USERS, a coalition of water right holders, and the UPPER VALLEY WATER USERS, a coalition of water right holders,

Petitioners.

VS.

SURFACE WATER COALITION, a coalition of water right holders,

Cross-Petitioner,

VS.

THE IDAHO DEPARTMENT OF WATER RESOURCES,

Respondent.

IN THE MATTER OF DESIGNATING THE EASTERN SNAKE PLAIN AQUIFER **GROUND WATER MANAGEMENT AREA**  Case No. CV01-20-8069

Facsimile: (208) 878-2548

SURFACE WATER COALITION'S NOTICE OF SUPPLEMENTAL AUTHORITY

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COME NOW, A&B IRRIGATION DISTRICT, AMERICAN FALLS RESEVOIR
DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT,
MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, and TWIN
FALLS CANAL COMPANY (hereinafter "Cross-Petitioners," "Surface Water Coalition," or
"Coalition"), by and through their attorneys of record, BARKER ROSHOLT & SIMPSON LLP,
and FLETCHER LAW OFFICE, and hereby submit this *Notice of Supplemental Authority* in
support of its Cross-Petition filed in this matter.

Attached hereto as Exhibit A are the following documents referenced in footnote 13 at page 12 of the Surface Water Coalition's Cross-Petition / Response Brief filed in this matter on September 10, 2020:

- 1) Order Granting Motion to Dismiss
- 2) IGWA's Motion to Withdraw Notice of Appeal

for

3) City of Pocatello's Motion to Withdraw Notice of Appeal DATED this 15<sup>th</sup> day of October, 2020.

**FLETCHER LAW OFFICE** 

W. Kent Fletcher

Attorneys for American Falls Reservoir District #2 & Minidoka Irrigation District BARKER ROSHOLT & SIMPSON LLP

John K. Simpson

Travis L. Thompson

Sarah W. Higer

Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15<sup>th</sup> day of October, 2020, I served true and correct copies of the foregoing upon the following by the method indicated:

SRBA District Court 253 3 <sup>rd</sup> Ave. North P.O. Box 2707 Twin Falls, Idaho 83303-2707	U.S. Mail, Postage Prepaid  X Hand Delivery Overnight Mail Facsimile Email
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	Travis L. Thompson

# Exhibit A

## IDAHO SUPREME COURT



# IDAHO COURT OF APPEALS

Clerk of the Courts (208) 334-2210

P.O. Box 83720 Boise, Idaho 83720-0101

#### ORDER GRANTING MOTION TO DISMISS

Docket No. 42776-2015() IGWA v. CITY OF POCATELLO Snake River Basin Adjudication #CV-2010-382

An Appellant's MOTION TO DISMISS / WITHDRAW APPEAL having been filed on April 20, 2015; therefore, good cause appearing, IT IS HEREBY ORDERED that Appellant's MOTION TO WITHDRAW APPEAL is \*\* GRANTED, \*\* and this appeal is hereby \*\* DISMISSED with prejudice. \*\*

Dated this 20<sup>th</sup> day of April, 2015.

For the Supreme Court / Court of Appeals

/s/ STEPHEN W. KENYON, Clerk

cc: Counsel of Record

Clerk, SRBA DC, Julie Murphy

District Court Judge, Eric J. Wildman

For the Court: Stephen W. Kenyon Clerk of the Courts Randall C. Budge (ISB# 1949)
Thomas J. Budge (ISB# 7465)
Joseph G. Ballstaedt (ISB #9246)
RACINE OLSON NYE BUDGE & BAILEY, CHARTERED
201 E Center St. / P.O. Box 1391
Pocatello, Idaho 83204
(208) 232-6101 - Phone
(208) 323-6109 - Fax
rcb@racinelaw.net
tjb@racinelaw.net
jgb@racinelaw.net

# IDAHO SUPREME COURT

IDAHO GROUND WATER APPROPRIATORS, INC.

Attorneys for IGWA

Petitioner / Appellant,

vs.

CITY OF POCATELLO,

Petitioner / Respondent,

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 / Respondents,

vs.

GARY SPACKMAN, in his capacity as Director of the Idaho Department of Water Resources, and the IDAHO DEPART-MENT OF WATER RESOURCES,

Respondents / Respondents.

Docket No. 42776-2015

(SRBA Case No. CV-2010-382)

IGWA's Motion to Withdraw Notice of Appeal IN THE MATTER OF THE 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.

Idaho Ground Water Appropriators, Inc. (IGWA) hereby moves the Court pursuant to Idaho Appellate Rule 32(b) to authorize the withdrawal of its *Notice of Appeal* filed December 24, 2014, allowing Docket No. 42776-2015 to be dismissed with prejudice. No briefs have been filed and oral argument has not yet been scheduled for this appeal.

DATED this 17th day of April, 2015.

RACINE OLSON NYE BUDGE & BAILEY, CHARTERED

Randall C. Budge
Thomas J. Budge

#### **CERTIFICATE OF SERVICE**

I certify that on this 17<sup>th</sup> day of April, 2015, a true and correct copy of the foregoing document was served on the following persons in the manner indicated:

Thomas J. Budge

Idaho Supreme Court 451 West State Street P.O. Box 83720 Boise, ID 83702 sctbriefs@idcourts.net	<ul><li>☑ U.S. Mail</li><li>☐ Facsimile</li><li>☐ Overnight Mail</li><li>☐ Hand Delivery</li><li>☐ Email</li></ul>
SRBA District Court 253 3 <sup>rd</sup> Ave North P.O. Box 2707 Twin Falls, ID 83303-2707 jmurphy@idcourts.net	☐ U.S. Mail ☐ Facsimile (208) 736-2121 ☐ Overnight Mail ☐ Hand Delivery ☐ Email
Garrick L. Baxter IDAHO DEPT. OF WATER RESOURCES P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov kimi.white@idwr.idaho.gov	<ul><li>☑ U.S. Mail</li><li>☐ Facsimile</li><li>☐ Overnight Mail</li><li>☐ Hand Delivery</li><li>☑ Email</li></ul>
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, Idaho 83318-0248 wkf@pmt.org	<ul><li>☐ U.S. Mail</li><li>☐ Facsimile</li><li>☐ Overnight Mail</li><li>☐ Hand Delivery</li><li>☑ Email</li></ul>
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Sarah Klahn Mitra Pemberton WHITE JANKOWSKI, LLP 511 16th Street, Suite 500 Denver, Colorado 80202 sarahk@white-jankowski.com mitrap@white-jankowksi.com	☐ U.S. Mail ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☑ Email
A. Dean Tranmer CITY OF POCATELLO P.O. Box 4169 Pocatello, Idaho 83205 dtranmer@pocatello.us	☐ U.S. Mail ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☑ Email

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

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

Attorneys for City of Pocatello

#### IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF	)
WATER TO VARIOUS WATER RIGHTS	) Docket No. 42776-2015
HELD BY OR FOR THE BENEFIT OF A&B	) (Consolidated with Docket No. 42778-
IRRIGATION DISTRICT, AMERICAN	) 2015)
FALLS RESERVOIR DISTRICT #2,	)
BURLEY IRRIGAION DISTRICT,	) Snake River Basin Adjudication No.
MILNER IRRIGATION DISTRICT,	) CV-2010-382
MINIDOKA IRRIGATION DISTRICT,	)
NORTH SIDE CANAL COMPANY, AND	) CITY OF POCATELLO'S
TWIN FALLS CANAL COMPANY	) MOTION TO WITHDRAW
	) NOTICE OF APPEAL
IDAHO GROUND WATER	)
APPROPRIATORS, INC.,	)
111 1 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	)
Petitioner-Appellant,	)
Tomonor Tipponomy,	)
v.	)
••	)
THE CITY OF POCATELLO,	Ś
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Petitioner-Respondent,	Ś
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TWIN FALLS CANAL COMPANY, NORTH	)
SIDE CANAL COMPANY, A&B	Ś
IRRIGATION DISTRICT, AMERICAN	Ś
FALLS RESERVOIR DISTRICT #2,	í
BURLEY IRRIGATION DISTRICT,	Ś
MILNER IRRIGATION DISTRICT,	, \
	,
MINIDOKA IRRIGATION DISTRICT,	)
Petitioners-Respondents,	)
v.	)
GARY SPACKMAN, in his capacity as	) )
Director of the Idaho Department of Water	$\vec{\lambda}$
Resources, and THE IDAHO DEPARTMENT	, \
OF WATER RESOURCES,	,
OF WAIER RESOURCES,	)
Decreased and Decreased and	)
Respondents-Respondents.	)

COMES NOW, Appellant City of Pocatello, and hereby moves the Court pursuant to Idaho Appellate Rule 32 to authorize the withdrawal of its Notice of Appeal, filed December 30, 2014. Accordingly, Docket No. 42778-2015 should be dismissed. City of Pocatello reserves the right to participate in Docket No. 42776-2015 as a respondent.

Respectfully submitted this 22nd day of January, 2015.

CITY OF POCATELLO ATTORNEY'S OFFICE

By Shafu A. Dean Tranmer

WHITE & JANKOWSKI, LLP

By Sarah A. Klahn

By Mitra M. Pemberton

ATTORNEYS FOR CITY OF POCATELLO

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of January, 2015, I caused to be served a true and correct copy of the foregoing **City of Pocatello's Motion to Withdraw Notice of Appeal** in Idaho Supreme Court Docket Nos. 42776-2015 and 42778-2015 upon the following by the method indicated below:

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Julie Murphy, Deputy Clerk	U.S. Mail, Postage Prepaid
SRBA District Court	Hand Delivery
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