

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
MARTEN LAW LLP
163 Second Ave. W.
P.O. Box 63
Twin Falls, Idaho 83303-0063
Telephone: (208) 733-0700
Email: jsimpson@martenlaw.com
tthompson@martenlaw.com

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

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 678-3250
Email: wkf@pmt.org

*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**

CITY OF POCA TELLO, ET AL.,

Petitioners,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, and GARY SPACKMAN, in
his capacity as Director of the Idaho
Department of Water Resources.

Respondents.

Case No. CV01-23-8258

**SURFACE WATER COALITION'S
MOTION TO INTERVENE / MOTION
TO SHORTEN TIME**

Fee Category I: \$136.00

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY AND FOR THE BENEFIT OF
A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR
DISTRICT NO. 2, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION
DISTRICT, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

COME NOW, Intervenor-Respondents 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 (hereinafter collectively “Surface Water Coalition” or “Coalition), by and through undersigned counsel of record, and pursuant to I.R.C.P. (24)(a) and (b) hereby move to intervene in the above-captioned matter. This motion is supported by the *Memorandum in Support* and the *Declaration of Travis L. Thompson* filed together herewith.

The Coalition is a party to the underlying proceeding and has significant interests that could be impacted by the outcome of this proceeding. The motion is timely and any delay in the administrative hearing stands to delay conjunctive administration to the detriment of the Coalition’s senior water rights this irrigation season.

The Coalition further moves the Court to shorten time pursuant to I.R.C.P. 7(b)(3)(H) to consider this motion as the Petitioners’ have noticed up a hearing for 1:30 p.m. on June 1st. The timing of the Petitioners’ filings and filing of this motion does not provide sufficient time under normal timeframes for motion practice under I.R.C.P. 7. The Coalition has good cause to have this motion considered on an expedited basis to be heard at the Petitioners’ scheduled hearing.

The Coalition requests oral argument on these motions.

DATED this 31st day of May, 2023.

BARKER ROSHOLT & SIMPSON LLP

FLETCHER LAW OFFICE

/s/ Travis L. Thompson
Travis L. Thompson

/s/ W. Kent Fletcher
W. Kent Fletcher

Attorneys for A&B, BID, Milner, NSCC, TFCC

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

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2023, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically.

Garrick L. Baxter
Idaho Department of Water Resources
garrick.baxter@idwr.idaho.gov

Sarah A. Klahn
Maximilian Bricker
Somach Simmons & Dunn
sklahn@somachlaw.com
mbricker@somachlaw.com

Candice M. McHugh
Chris M. Bromley
McHugh Bromley, PLLC
cbromley@mchughbromley.com
cmchugh@mchughbromley.com

Robert L. Harris
Holden, Kidwell PLLC
rharris@holdenlegal.com

Skyler Johns
Nathan Olsen
Steven Taggart
Olsen Taggart, PLLC
sjohns@olsentaggart.com
nolsen@olsentaggart.com
staggart@olsentaggart.com

Dylan Anderson
Dylan Anderson Law
dylan@dylanandersonlaw.com

/s/ Travis L. Thompson
Travis L. Thompson