

C. Tom Arkoosh, ISB #2253
ARKOOSH LAW OFFICES, CHTD.
P.O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873

*Attorneys for American Falls Reservoir
District #2*

John A. Rosholt, ISB #1037
John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

*Attorneys for North Side Canal Company and
Twin Falls Canal Company*

Roger D. Ling, ISB #1018
LING ROBINSON & WALKER
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717
Facsimile: (208) 436-6804

*Attorneys for A & B Irrigation District and
Burley Irrigation District*

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 678-3250
Facsimile: (208) 878-2548

Attorneys for Minidoka Irrigation District

RECEIVED
MAR 06 2006
DEPARTMENT OF
WATER RESOURCES

**IN THE COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) Subcase Nos.: EXHIBIT A
) (City of Pocatello)
)
) **MEMORANDUM IN SUPPORT OF**
) **JOINT MOTION TO PARTICIPATE**
)
)
)
)
)

COME NOW, American Falls Reservoir District #2, A & B Irrigation District, Burley
Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls
Canal Company (collectively "Surface Water Coalition" or "Coalition"), by and through their

undersigned attorneys of record, and hereby submit this *Memorandum in Support of Joint Motion to Participate* in the above captioned subcases concerning water right claims filed by the City of Pocatello (hereinafter “Pocatello”) pursuant to the Court’s Administrative Order No. 1 (AO1) 10(k) and Idaho Rule of Civil Procedure 24. The basis for the Coalition’s *Joint Motion* is set forth below.

INTRODUCTION

Pocatello filed various objections to the Director’s recommendations for its Basin 29 claims and requested separate administration for all thirty-eight of its claims. *See Pocatello Objections* dated November 14, 2003. In particular, Pocatello seeks to have the following provisions included on each of its partial decrees:

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Basin 29 in accordance with the prior appropriation doctrine as established by Idaho law:

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

Pocatello Objections at 3.

Pocatello’s Basin 29 water rights are all diverted from the Portneuf River or tributaries thereto, including the Eastern Snake Plain Aquifer (“ESPA”). The waters of the Portneuf River, including its tributary springs, flow directly into the Snake River at the American Falls Reservoir. As explained below, the Coalition holds numerous natural flow water rights to the Snake River as well storage water rights in American Falls Reservoir. The Coalition opposes the general provisions that Pocatello seeks to have included on its water rights since such a provision would significantly impair the Coalition’s water rights by reducing the available water supply of the Snake River and American Falls Reservoir. Indeed, the administration provisions Pocatello

seeks would essentially assure *no administration whatsoever* since it would allow the watermaster to distribute water to Pocatello separately from all other rights in Basin 29 as well as other rights in the Snake River Basin. Idaho law, coupled with the obvious fact that the Portneuf River Basin is hydraulically connected to the Snake River, forbids the result Pocatello seeks.

Since the Coalition relies upon the Portneuf River Basin and the ESPA as a supply for its Snake River water rights, the Coalition meets the criteria for participation in this consolidated subcase. Therefore, since the Coalition satisfies the requirements of AO1 § 10(k) and I.R.C.P. 24, participation in this action is appropriate.

BACKGROUND

Pocatello's Basin 29 water right claims involve claims to water sources in the Portneuf River Basin and the Eastern Snake Plain Aquifer ("ESPA"). The Portneuf River is tributary to the Snake River above American Falls and contributes surface and ground water underflow to the reservoir. Ground water outflow has been estimated at approximately 49,500 acre-feet and the average annual flow of the Portneuf River at Pocatello at 277,000 acre-feet.¹ Consequently, the Portneuf River Basin is a significant tributary basin to the mainstem Snake River near American Falls.

All water in the Snake River Basin is interconnected, unless a partial decree issued by the SRBA Court indicates the water derives from a separate source. *A & B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 421-22 (1998). The SRBA Court plainly recognized the interconnection of tributary ground and surface water sources in the Snake River Basin in its *Basin-Wide 5* decision issued in 2001:

¹ See Stearns, H.T., Crandall, Lynn, and Steward, W.G., 1938, Geology and groundwater resources of the Snake River Plain in southeastern Idaho, U.S. Geological Survey Water-Supply Paper 774, 268 p. See also, Idaho Department of Water Resources, 1997, Upper Snake River Basin Study, 85 p. with Appendices.

The starting point for this Court's reasoning is the recognition in Idaho that the prior appropriation doctrine applies as between hydraulically connected ground and surface water right sources. To the extent ground and surface sources are hydraulically connected, the water rights are treated legally as if from the same source irrespective of the fact that one water right is a surface diversion and the other diversion is from a well. A junior groundwater user is not *per se* insulated from a senior surface call simply because the junior right is diverting from a well. As a result of this recognized legal relationship, ground and surface rights must be regulated and administered by IDWR in conjunction with one another so as to give proper effect to vested priorities.

Order on Cross Motions for Summary Judgment; Order on Motion to Strike Affidavits at 25 (Fifth Jud. Dist., Twin Falls County District Court, In Re SRBA: Subcase No. 91-00005, July 2, 2001)(hereinafter "*Basin-Wide 5 Order*").

Except as otherwise specified above, all other water rights in Basin ___ will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

Exhibit A to Connected Sources General Provision (Conjunctive Management) Memorandum Decision and Order of Partial Decree (Fifth Jud. Dist., Twin Falls County District Court, In Re SRBA: Subcase No. 91-00005, February 27, 2002).

The connected sources general provision is paramount to proper and effective water right administration in the state. For example, with respect to the source of water for junior ground water rights diverting within the boundaries of Water Districts 120 and 130, the Director recognized the following in a decision concerning conjunctive water right administration in 2005:

19. The water supply in the ESPA is hydraulically connected to the Snake River and tributary surface water sources at various places and to varying degrees. One of the locations at which a direct hydraulic connection exists between the ESPA and the Snake River, including tributary surface water sources, is in the Shelley to Minidoka reach of the river, sometimes termed the "American Falls reach" located along the southeastern edge of the ESPA in the vicinity of the American Falls Reservoir.

May 2, 2005 Amended Order at 4, ¶ 19 (map of Water Districts 120 and 130 found at Attachment A, see Exhibit A to *Affidavit of Travis L. Thompson*, hereinafter "*Thompson Aff.*").²

² A copy of the Director's *May 2, 2005 Amended Order* can be found at IDWR's website: <http://www.idwr.idaho.gov/Calls/Surface%20Coalition%20Call/Edited%20Amended%20Order%205-2-05.pdf>. The Coalition is not submitting a copy of the order given its length (66 pages) and the fact that the reference is simply an

Pocatello's water right claim 29-7770, located in Water District 120 and one of the claims in these consolidated proceedings, was subject to the referenced order issued by the Director in May 2005. Accordingly, there is no question that the general provision Pocatello seeks is a direct attempt to avoid future water right administration vis-à-vis the Coalition's water rights as well as other water rights located in Basin 29.

The prior decisions of this Court and the Idaho Supreme Court clearly acknowledge the "connected sources" general provision and its purpose for future water right administration. With this background in mind, including the hydrologic reality of the Portneuf River Basin's and the ESPA's connection with the Snake River, it is obvious that the Coalition has a significant interest in these consolidated subcases.

STANDARD OF REVIEW

In the SRBA, "***any party to the adjudication***" is permitted to participate in a subcase. AO1 section 10(k) provides:

Any party to the adjudication who is not a party to a subcase ***may seek leave to participate in a subcase by filing a timely Motion to Participate***. A Motion to Participate shall be treated like a motion to intervene under I.R.C.P. 24 and shall be decided by the Presiding Judge or the assigned Special Master. A party to the adjudication who does not file an objection, a response or a timely Motion to Participate waives the right to be a party to the subcase and to receive notice of further proceedings before the Special Master, except for Motions to Alter or Amend.

AO1 § 10(k)(emphasis added)

As set forth below, all of the members of the Coalition have filed water right claims in the adjudication and therefore meet AO1's definition of a "party", as those rules specifically defer to the definition of a "claimant" and "party" contained in I.C. § 42-1401A. See AO1 §

example of why the "separate stream" provision Pocatello seeks is not warranted either factually or as a matter of law. The Coalition will provide a copy of the Director's *Amended Order* to the Court if requested.

2(q); I.C. § 42-1401A(1), (6). Idaho Rule of Civil Procedure 24 provides the standards for intervention as a matter of right and permissive intervention. As set forth below, the Surface Water Coalition satisfies the rule's intervention criteria and hence meets this Court's standard for participation under AOI § 10(k).

I. The Surface Water Coalition's Interests in Protecting Its Water Rights and Those Hydraulically Connected Water Sources That Supply Those Rights Meet the Standard for Intervention as a Matter of Right Pursuant to I.R.C.P. 24(a).

Idaho Rule of Civil Procedure 24 provides for intervention of right in a civil proceeding such as the SRBA as follows:

Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of the state of Idaho confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

I.R.C.P. 24(a).

To meet the requirements of I.R.C.P. 24(a)(2), an applicant must: 1) file a timely motion; 2) claim an interest in the property or transaction subject to the action; 3) demonstrate that it is so situated that the outcome will impair or impede its ability to protect that interest; and 4) demonstrate that interest is not adequately protected by existing parties. The Surface Water Coalition meets all four requirements of this test for intervention as a matter of right. As such, the Coalition's *Joint Motion to Participate* should be granted. *See, e.g., Duff v. Draper*, 96 Idaho 299, 302 (1974); *Herzog v. City of Pocatello*, 82 Idaho 505, 509 (1960) (holding that intervention should be liberally granted, and that the showing required for intervention is minimal).

A. The Coalition's Motion is Timely

The Coalition's *Joint Motion to Participate* is timely under Rule 24(a)'s standard as explained by prior decisions from the Idaho Supreme Court and the SRBA Court. In *State v. United States*, 134 Idaho 106 (2000), the Idaho Supreme Court upheld the SRBA Court's decision to deny intervention of right in a subcase involving claims by the United States recognizing "the generalized interest the Irrigators had in the subcase was insufficient to support intervention of right." 134 Idaho at 110. In the "Smith Springs" case, the SRBA Court was particularly concerned about the stage of the litigation and the fact the Irrigators were seeking to intervene "after a filing for summary judgment" had been made.³ *See id.* The SRBA Court later reiterated the Supreme Court's position in "Smith Springs" in its *Order Denying Motion to Participate; Order Allowing Amicus Curiae Participation on Legal Issues* (Subcase No. 79-13597; Consolidated Subcase No. 75-13316; April 23, 2001):

The Supreme Court held that intervention of right in subcases ***to which a party has a generalized interest*** was timely in the context of the SRBA if filed within the response period. The Court rejected the argument that intervention of right was timely if filed prior to the date for trial . . .

Order at 4 (emphasis added).

Accordingly, the "one-day before trial" timeliness standard that was liberally accepted in *Duff* does not apply in the context of the SRBA. Instead, the "timeliness" analysis hinges on the "interest" of the party seeking intervention and the stage of the litigation. The Coalition plainly meets these criteria for "timeliness." First, the consolidated subcases involving Pocatello's claims are in the initial stages of litigation. A review of the subcase summary sheet for water right claim no. 29-271 (the first subcase listed) reveals that Pocatello and other parties filed

³ Even so, the SRBA Court indicated that filing a motion to participate after a summary judgment had been filed would not be de facto untimely: "However, [the SRBA Court] stated that, in the interest of judicial efficiency, motions to participate after a filing for summary judgment would be considered timely only in extraordinary circumstances." 134 Idaho at 110.

objections and responses, some settlement discussions have taken place, and trial scheduling orders have been vacated and rescheduled. *See* Exhibit B to *Thompson Aff.* No discovery has taken place and no substantive motions concerning the “separate stream” provision have been heard or decided by the Court.⁴ Moreover, the most recent trial scheduling order indicates that the discovery cut-off is still three months away and the trial is not scheduled to begin until the end of the year. *See Fourth Amended Trial Scheduling Order* November 2, 2005. Given the early stage in these proceedings, there is no question the Coalition’s motion is “timely” and would not prejudice any existing parties to the consolidated subcase.

B. The Coalition Has Interests in the Subject of This Action and Any Outcome Will Impair or Impede the Coalition’s Water Rights.

Any attempt to separately administer Pocatello’s rights from all Basin 29 and other Snake River Basin water rights will negatively impact the Coalition member’s senior water rights. Indeed, as witnessed this past year, at least one of Pocatello’s rights (29-7770) has already been subject to water right administration with the Coalition’s senior water rights. With regard to the “impair or impede” element of the intervention test under I.R.C.P. 24(a), the Idaho Supreme Court has noted that:

The language of Rule 24(a)(2) indicates that the drafters did not contemplate that the petitioner in intervention be required to show . . . that the petitioner in the intervention “is” bound by the judgment . . . It was sufficient that . . . the applicant “may” be bound by a judgment in the action.

Duff v. Draper, 96 Idaho 299, 302 (1974).

The Surface Water Coalition consists of claimants in the SRBA and thus will be bound by each and every order involving water rights being adjudicated in this basin wide adjudication. Each member of the Coalition holds several natural flow and storage water rights (hereinafter

⁴ The Court did grant the joint motion to dismiss the BLM’s objections on November 22, 2004 and denied Pocatello’s motion to stay the proceedings on January 14, 2005. Besides these two matters, no other motions have been filed or decided.

“Rights”), dating from the early 1900’s, which grant the right to divert water from the Snake River as well as store water in American Falls and other reservoirs in the Upper Snake River Basin. These rights include the following:

- A. American Falls Reservoir District #2 water right no. 01-0006.
- B. A&B Irrigation District water right no. 01-00014.
- C. Burley Irrigation District water rights nos. 01-00007, 01-00211B, & 01-00214B.
- D. Milner Irrigation District water right nos. 01-00009, 01-00017, and 01-02050.
- E. Minidoka Irrigation District water right nos. 01-00008, 01-10187, 01-10188, 01-10192, 01-10193, and 01-10194.
- F. North Side Canal Company water right nos. 01-00005, 01-00016, 01-00210A, 01-210B, 01-212, 01-213, 01-215, 01-220, 01-2064C, 01-4052, 01-10042B, 01-10043A, 01-10045B, and 01-10053A.
- G. Twin Falls Canal Company water rights nos. 01-00004, 01-00010, and 01-00209, 01-2064A, 01-10042A, 01-10043, 01-10045A.

The waters of the Portneuf River Basin, when unimpeded, flow directly into and become a part of the flows in the Snake River and help fill American Falls Reservoir, the water supply for the Coalition member’s rights. Ground water outflow in the Portneuf River Basin was once estimated at approximately 49,500 acre-feet and the average annual flow of the Portneuf River at Pocatello has been estimated at 277,000 acre-feet. *See infra* note 1. As such, any rights held by Pocatello that are not administered with other rights in Basin 29 and the Snake River Basin stand to directly deplete the Portneuf River and the quantities of water available to satisfy the Coalition’s water rights identified above. Accordingly, the Coalition plainly has a “direct interest” that will be “impaired or impeded” if Pocatello is successful in avoiding future water

right administration and is allowed to deplete the water sources that supply the Coalition member's rights under a "separate stream" theory.

In addition to the facts stated above, the Idaho Supreme Court has previously recognized the right of a water right holder to intervene and participate in water right cases on connected tributaries that stand to affect the person's water right. *See Independent Irr. Co. v. Baldwin*, 43 Idaho 371, 376 (1926) ("It appears that the intervenors have decreed rights to the waters of Snake River and are interested in having the flow of that stream maintained, so as to enable them to divert as nearly as possible the amounts of their respective rights, and they were therefore entitled to present their claims as intervenors in this action.'). As set forth above, the Coalition's members hold numerous water rights that stand to be impacted by the general provisions Pocatello seeks for its water right claims, and therefore the Coalition plainly meets the second criteria for intervention as of right.

C. The Coalition's Interests Are Not Adequately Represented in This Action.

Finally, none of the other parties to this action adequately represent the Surface Water Coalition's interests. Similar to the above "may be bound" standard, the *Duff* Court noted that an applicant need only "show that the representation 'may' be inadequate." 96 Idaho at 302. Here, Pocatello is seeking to have its Basin 29 water rights separately administered – an action that will affect the Coalition's water rights. Even though the State of Idaho and the United States have filed objections and are participating in these subcases, neither party "represents" the Coalition's members and their unique private property rights that stand to be directly impacted by the outcome of these proceedings. Moreover, the Coalition's interests, and how to protect those interests, including through presentation of facts and expert opinions, cannot be adequately represented by the State or the United States in this matter.

As set forth above, the Surface Water Coalition meets all of the requirements for intervention pursuant to AO1 § 10(k) and I.R.C.P. 24(a). Therefore, the Coalition's *Joint Motion to Participate* should be granted as a matter of right.

II. Alternatively, the Surface Water Coalition Should Be Allowed to Permissively Intervene Pursuant to I.R.C.P. 24(b).

The Surface Water Coalition also meets the standard for permissive intervention under I.R.C.P. 24(b). Rule 24(b) provides the following:

Upon timely application anyone may be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. ... In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

I.R.C.P. 24(b); *see Farrell v. Board of Commissioners of Lemhi County*, 138 Idaho 378 (2002).

As to the SRBA, "I.R.C.P. 24(b) allows permissive intervention by a person '[u]pon timely application' and 'when an applicant's claim ... and the main action have a question of law or fact in common.'" *State v. United States*, 134 Idaho 106, 110 (2000) (citing I.R.C.P. 24(b)). Further, while the decision of whether to grant the motion to intervene is discretionary with the court, *id.*, "there is no requirement that the intervener shall have a direct or personal pecuniary interest in the subject of the litigation," *Herzog v. City of Pocatello*, 82 Idaho 505, 509 (1960).

As explained above, the Surface Water Coalition does have "direct [and] personal pecuniary interests" that stand to be affected by the outcome of Pocatello's subcases, the reduction of water available from the Portneuf River Basin and the ESPA necessary to satisfy their connected natural flow and storage water rights to the Snake River. Since the diversion of any water within the Portneuf River Basin and the ESPA affects the water supply available to fill the Coalition member's water rights, a "separate stream" provision would permit Pocatello to divert water unabated and deplete those hydraulically connected supplies without being subject

to any water right administration whatsoever. As explained above, whereas the Portneuf River Basin has been estimated to contribute approximately 277,000 acre-feet to the Snake River on annual basis, Pocatello's efforts are clearly aimed at reducing that amount without facing any water right administration. Since Pocatello has already been subject to water right administration in connection with the Coalition member's senior water rights as witnessed this past year, it is obvious the "separate stream" provision is Pocatello's effort to preclude such administration in the future. Therefore, the Coalition plainly meets the "interest" criteria of I.R.C.P. 24(b).

Next, given the current schedule in the case, the Surface Water Coalition's intervention will not prejudice the rights of the existing parties or cause any undue delay in the proceedings. As explained above, the consolidated subcases are in the earliest stages, and the trial is not set to begin until late November of this year. Accordingly, the Coalition's motion is "timely" and its participation will not unreasonably add issues to the case or expand the scope of the litigation.

As set forth above, the Surface Water Coalition meets all of the requirements for permissive intervention pursuant to AO1 § 10(k) and I.R.C.P. 24(b). Since this motion is timely, and its intervention will not unduly delay this proceeding or unfairly prejudice the rights of the other parties, the Court should allow the Surface Water Coalition to participate.

CONCLUSION

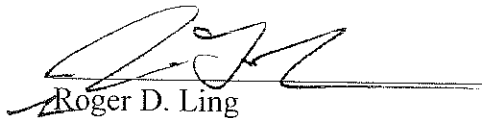
Pocatello's Basin 29 water right claims are diverted from the Portneuf River, its tributaries, and the Eastern Snake Plain Aquifer. These water sources are all directly hydraulically connected to the Snake River and American Falls Reservoir and directly impact the water supply available to fulfill the Coalition's natural flow and storage water rights. The Coalition is unaware of any "separate stream" provisions that have been decreed by this Court for connected tributaries in the Upper Snake River Basin system. Accordingly, Pocatello's

request for a "separate stream" provision for its water right claims is an unprecedented effort to preclude water right administration and insulate its rights from the rest of Basin 29 and the Snake River. The provisions Pocatello seek are not permitted by Idaho law. Moreover, the hydrologic fiction Pocatello is attempting to create stands to significantly prejudice the Coalition's water rights and create a devastating precedent for the rest of the Snake River Basin.

Since the Coalition has a significant interest in this proceeding, has filed a timely motion to participate, and the present objectors do not adequately represent the Coalition's interests, the Coalition respectfully requests that the Court grant its *Joint Motion to Participate* as a matter of right pursuant to AO1 § 10(k) and I.R.C.P. 24(a). Alternatively, the Coalition requests permission to intervene pursuant to AO1 § 10(k) and I.R.C.P. 24(b).

Dated this 2nd day of March 2006

LING ROBINSON & WALKER



Roger D. Ling

*Attorneys for A & B Irrigation District and
Burley Irrigation District*

ARKOOSH LAW OFFICES CHTD.



E. Tom Arkoosh
Jay J. Kiiha

*Attorneys for American Falls Reservoir
District #2*

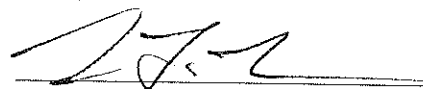
FLETCHER LAW OFFICES



W. Kent Fletcher

Attorneys for Minidoka Irrigation District

BARKER ROSHOLT & SIMPSON LLP



John A. Rosholt
John K. Simpson
Travis L. Thompson
Paul L. Arrington

*Attorneys for Milner Irrigation District, North
Side Canal Company, and Twin Falls
Canal Company*

EXHIBIT A

Subcase Nos.:

- 29-00271
- 29-00272
- 29-00273
- 29-02274
- 29-02338
- 29-02354
- 29-02382
- 29-02401
- 29-02499
- 29-04221
- 29-04222
- 29-04223
- 29-04224
- 29-04225
- 29-04226
- 29-07106
- 29-07118
- 29-07119
- 29-07222
- 29-07322
- 29-07375
- 29-07431
- 29-07450
- 29-07502
- 29-07770
- 29-07782
- 29-11339
- 29-11344
- 29-11348
- 29-13558
- 29-13559
- 29-13560
- 29-13561
- 29-13562
- 29-13636
- 29-13637
- 29-13638
- 29-13639

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2006, I served a true and correct copy of the foregoing MEMORANDUM IN SUPPORT OF JOINT MOTION TO PARTICIPATE on the person(s) listed below, in the manner indicated:

IDWR Document Depository
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for City of Pocatello

Sarah A. Klahn
WHITE & JANKOWSKI, LLP
511 16th Street, Suite 500
Denver, CO 80202

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for City of Pocatello

Natural Resources Division Chief
IDAHO ATTORNEY GENERAL'S OFFICE
P.O. Box 44449
Boise, ID 83711-4449

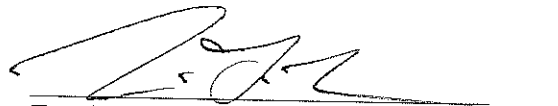
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for State of Idaho

Environment & Natural Resources Division
U.S. DEPARTMENT OF JUSTICE
550 W. Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for United States of America


Travis L. Thompson