

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

RECEIVED

NOV 19 2007

DEPARTMENT OF
WATER RESOURCES

Sarah A. Klahn
White & Jankowski, LLP
511 16th St., Suite 500
Denver, CO 80202
303-595-9441
303-825-5632 (Facsimile)
sarahk@white-jankowski.com

Attorneys for City of Pocatello

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

In Re SRBA	)	Subcase Nos. 01-00004, et al. (See attached Exhibit A)
	)	
	)	
Case No. 39576	)	CITY OF POCATELLO'S MOTION TO
_____	)	PARTICIPATE

COME NOW, the City of Pocatello ("Pocatello"), by and through its undersigned attorneys of record, and hereby submit this *Motion to Participate* pursuant to this Court's Administrative Order No. 1 ("AO1") § 10(k) and Idaho Rules of Civil Procedure 24 in the above captioned subcase concerning water right claims filed by the Surface Water Coalition ("SWC"). Pocatello meets the requirements to intervene in this action as a matter of right pursuant to I.R.C.P. 24(a). In the alternative, Pocatello moves for permissive intervention pursuant to I.R.C.P. 24(b). This motion is supported by the *Memorandum in Support of Motion to Participate* filed together herewith.

As grounds for this motion, and as set forth in the accompanying *Memorandum in Support of Motion to Participate*, Pocatello asserts that it has a significant protectable interest that stands to be affected by the outcome of this case, no other party will adequately represent Pocatello's interests in this case, and it should, therefore, be permitted to intervene as of right pursuant to I.R.C.P 24(a).

In the alternative, Pocatello requests this Court grant it permissive intervention because its claim shares a common question of law or fact in common with the main action in this case and granting such intervention would not unduly delay or prejudice the adjudication of the rights of the original parties. I.R.C.P. 24(b).

Finally, this motion is timely because no decrees have been issued, no motions have been heard by the Court, and no trial date has been set. Pocatello agrees to be limited to the issues previously identified by the claimants and objectors to this matter, and therefore, intervention by Pocatello will not unduly delay nor prejudice the adjudication of the rights of the original parties. Accordingly, Pocatello's *Motion to Participate* should be granted. Pocatello also requests oral argument on this motion.

Counsel for Pocatello consulted with counsel for the claimants herein. Opposing counsel were unable to say whether they would oppose this Motion to Participate.

WHEREFORE, the City of Pocatello respectfully requests this Court Enter an Order granting Pocatello's *Motion to Participate* in the above captioned subcase.

Dated this 14th day of November, 2007.

CITY OF POCA TELLO ATTORNEY'S OFFICE

Attorneys for the City of Pocatello

By 
A. Dean Tranmer

WHITE & JANKOWSKI, L.L.P.

Attorneys for the City of Pocatello

By 
Sarah A. Klahn

EXHIBIT A

Subcases Nos:

01-00004
01-00005
01-00006
01-00007
01-00008
01-00009
01-00010
01-00014
01-00016
01-00017
01-00212
01-00213
01-02050
01-02061
01-10034
01-10225
01-10237
01-10238
01-10240
01-10241
01-10482

CERTIFICATE OF MAILING

I hereby certify that on this 14th day of November, 2007, a true and correct copy of **City of Pocatello's Motion to Participate** was served by U.S. Mail, postage pre-paid and addressed to the following:

Sarah Klahn

Sarah A. Klahn, White & Jankowski, LLP

Clerk of SRBA Court 253 3 rd Ave North PO Box 2707 Twin Falls ID 83303-2707 Phone 208-736-3011	
Travis L. Thompson Barker Rosholt & Simpson LLP 113 Main Ave W, Ste 303 PO Box 485 Twin Falls ID 83303-0485 Phone 208-733-0700 Facsimile 208-735-2444 [Milner Irr Dist, North Side canal Co, Twin Falls Canal Co]	Roger D. Ling 615 H St PO Box 396 Rupert ID 83350-0396 Phone 208-436-4717 [A&B Irr Dist, Burley Irr Dist, Falls Irr Dist]
C. Thomas Arkoosh 301 Main St PO Box 32 Gooding ID 83330 Phone 208-934-8872 [American Falls Res Dist #2]	State of Idaho 700 W Jefferson Room 210 PO Box 44449 Boise ID 83711-4449 Phone 208-334-2400 [State of Idaho Dept]
Craig D. Hobdey 125 5 th Ave PO Box 176 Gooding ID 83330 Phone 208-934-4429 [American Falls Res]	US Department of Justice Environment & Natural Resources 550 W Fort St MSC 033 Boise ID 83724 [US, USDI Bureau of Reclamation]
Jerry R. Rigby 25 N 2 nd E PO Box 250 Rexburg ID 83440-0250 Phone 208-356-3633 [Blackfoot Irr Co, Fremont-Madison Irr]	US Regional Director PN Region Bureau of Reclamation 1150 N Curtis Rd Ste 100 Boise ID 83706-5322 Phone 208-378-5322

Josephine P. Beeman 409 W Jefferson St Boise ID 83702 Phone 208-331-0950 [City of Pocatello]	William A. Parsons 137 W 13 th St PO Box 910 Burley ID 83318 Phone 208-678-8382 [Southwest Irr Dist]
Natural Resources Div Chief State of Idaho Attorney General's Office PO Box 44449 Boise ID 83711-4449 [State of Idaho]	Idaho Dept of Water Resources Director PO Box 83720 Boise ID 83720-0098
Randall C. Budge 201 E Center Ste A2 PO Box 1391 Pocatello ID 83204-1391 Phone 208-232-6101 [IGWA Inc]	W. Kent Fletcher 1200 Overland Ave PO Box 248 Burley ID 83318 Phone 208-678-3250 [Minidoka Irr Dist]
Robert A. Maynard Perkins Coie LLP 251 E Front St Ste 400 Boise ID 83702-7310 Phone 208-343-3434 [Unit A Association]	Robert L. Harris 1000 Riverwalk Dr Ste 200 PO Box 50130 Idaho Falls ID 83405 Phone 208-523-0620 [Independent Water Users of Jefferson Irr Dist, Montevieu Canal Co, Mud Lake Water Users Inc, Producers Irr Co]
Call Farms Partnership c/o Evan Call 4371 Coldwater Rd American Falls ID 83211 Phone 208-548-2450	Tim Eilers 1109 W 300 S Heyburn ID 83336 Phone 208-438-5118
Martin & Lorraine Muecke 1250 W 300 S Heyburn ID 83336 Phone 208-438-5649	J. Vaughn Hobson 19 S 700 W Burley ID 83318 Phone 208-678-2871

Bret Andersen Robyn Andersen 322 E Main Burley ID 83318 Phone 208-677-2864	M. Evan Call 4373 Cold Water Rd American Falls ID 83211 Phone 208-221-9913
Steve Muecke 925 W Wanda Ln Heyburn ID 83336 Phone 208-678-2106	A. Dean Tranmer City of Pocatello PO Box 4169 Pocatello ID 83201 Phone 208-234-6149 [City of Pocatello]

