

FEB 06 2012

DEPARTMENT OF
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**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. 01-17 and 01-2050
	)	
	)	
Case No. 39576	)	CITY OF POCATELLO'S MOTION TO
	)	PARTICIPATE

COMES NOW, the City of Pocatello ("Pocatello"), by and through its undersigned attorneys of record, and hereby submits this *Motion to Participate* pursuant to this Court's Administrative Order No. 1 ("AO1"), section 10(k) and Idaho Rule of Civil Procedure ("I.R.C.P.") 24 in the above captioned subcases. 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).

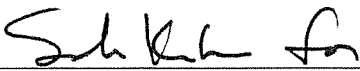
In the alternative, Pocatello requests this Court grant it permissive intervention because its claim shares a common question of law or fact in common with the main action in this case and granting such intervention would not unduly delay or prejudice the adjudication of the rights of the original parties. 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 Pocatello agrees to comply with the already-established deadlines in this matter. 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.

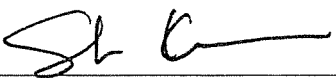
WHEREFORE, the City of Pocatello respectfully requests this Court enter an Order granting Pocatello's *Motion to Participate* in the above captioned subcases.

Dated this 31st day of January, 2012.

CITY OF POCATELLO ATTORNEY'S OFFICE
Attorneys for the City of Pocatello

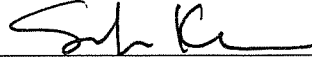
By 
A. Dean Tranmer

WHITE & JANKOWSKI, LLP
Attorneys for the City of Pocatello

By 
Sarah A. Klahn

CERTIFICATE OF MAILING / SERVICE

I hereby certify that on this 31st day of January, 2012, a true and correct copy of **City of Pocatello's Motion to Participate** for **SRBA Case No. 39576 subcases 01-17, 01-2050 [Milner Irrigation District]** was served by email to those with email addresses and U.S. Mail, postage pre-paid and addressed to the following:



Sarah A. Klahn

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US Department of Justice Environment & Natural Resources 550 W Fort St MSC 033 Boise ID 83724 [US, USDI Bureau of Reclamation]	State of Idaho – Natural Resources Div Chief PO Box 44449 Boise ID 83711-4449 [State of Idaho]

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**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	)	Subcases Nos.01-17 and 01-2050
	)	
	)	ORDER GRANTING CITY OF POCA TELLO'S
Case No. 39576	)	MOTION TO PARTICIPATE
_____	)	

On January 31, 2012 the City of Pocatello ("Pocatello") filed a Motion to Participate in the above-captioned matters. THEREFORE IT IS ORDERED THAT:

1. Pocatello's Motion to Participate as a matter of right pursuant to Idaho Rule of Civil Procedure 24(a) is **granted**, and Pocatello's late responses in subcase nos. 1-17 and 1-2050 are accepted by the Court.

DATED February ___, 2012.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication