

RAÚL R. LABRADOR
ATTORNEY GENERAL

SCOTT L. CAMPBELL
Chief of Energy and Natural Resources Division

GARRICK L. BAXTER, ISB No. 6301

ANN N. YRIBAR, ISB No. 8406

Deputy Attorneys General

Idaho Department of Water Resources

Idaho Water Resource Board

P.O. Box 83720

Boise, Idaho 83720-0098

Telephone: (208) 287-4800

Facsimile: (208) 287-6700

garrick.baxter@idwr.idaho.gov

ann.yribar@ag.idaho.gov

Attorneys for Defendants Idaho Water Resource Board, Idaho Department of Water Resources, Gary Spackman in his official capacity as the Director of the Idaho Department of Water Resources, and Tony Olenichak in his capacity as Water District 01 Watermaster.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CITY OF POCATELLO,

Plaintiff,

&

CITY OF BLISS, CITY OF BURLEY, CITY OF CAREY, CITY OF DECLO, CITY OF DIETRICH, CITY OF HAZELTON, CITY OF HEYBURN, CITY OF JEROME, CITY OF PAUL, CITY OF RICHFIELD, CITY OF RUPERT, CITY OF SHOSHONE, and CITY OF WENDELL

Intervenors.

Case No. CV42-23-1668

**NOTICE OF NON-OPPOSITION
TO SPACEHOLDERS' MOTION
TO INTERVENE**

vs.

IDAHO WATER RESOURCE BOARD,
IDAHO DEPARTMENT OF WATER
RESOURCES, GARY SPACKMAN, in his
capacity as Director of the Idaho Department of
Water Resources, and TONY OLENICHAK, in
his capacity as Water District 01 Watermaster,

Defendants.

COMES NOW the Idaho Water Resource Board, Idaho Department of Water Resources, Gary Spackman in his official capacity as the Director of the Idaho Department of Water Resources, and Tony Olenichak in his capacity as Water District 01 Watermaster (collectively “the State”), by and through its attorneys of record, hereby represents that it does not oppose the *Spaceholders’ Motion to Intervene* (“Spaceholders’ Motion”) filed May 17, 2023. The State further does not oppose vacating the hearing on the Spaceholders’ Motion set for June 28, 2023.

DATED this 27th day of June, 2023.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL


ANN N. YRIBAR
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2023, the foregoing was filed electronically using the Court's e-file system, and upon such filing the following parties were served electronically:

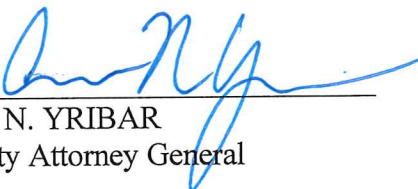
Sarah A. Klahn, ISB #7928
Maximilian C. Bricker, ISB #12283
SOMACH SIMMONS & DUNN, P.C.
sklahn@somachlaw.com
mbricker@somachlaw.com

Richard A. Diehl, Jr., ISB #4969
Deputy City Attorney
CITY OF POCA TELLO
rdiehl@pocatello.gov

John K. Simpson
Travis L. Thompson
Sarah W. Higer
MARTEN LAW LLP
jsimpson@martenlaw.com
tthompson@martenlaw.com
shiger@martenlaw.com

Jerry Rigby
Hyrum Erickson
RIGBY, ANDRUS & RIGBY LAW PLLC
jrigby@rex-law.com
herickson@rex-law.com

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



ANN N. YRIBAR
Deputy Attorney General