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Department of Water Resources

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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	)	Consolidated Subcase: 37-2499 et al.
	)	(Compromising Subcases in Exhibit A)
Case No. 39576	)	
	)	RESPONSE TO ORDER SEPARATING
	)	AND CONSOLIDATING COMMON ISSUE
	)	FROM SUBCASES; A01 §§ 11 AND 16,
	)	I.R.C.P. 42; ORDER FOR MORE DEFINITE
	)	STATEMENT; AND NOTICE OF HEARING
	)	ON WHETHER TO DESIGNATE AS
	)	BASIN-WIDE ISSUE AND SCHEDULING
	)	

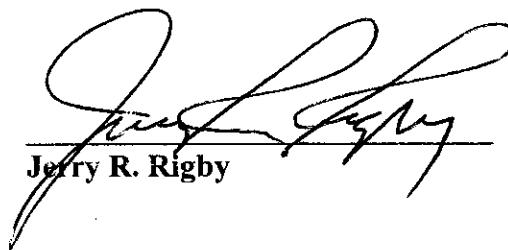
Comes Now, Harrison Canal, Burgess Canal, Peoples Canal & Irrigation Co., Progressive Irrigation District, Enterprise Irrigation District, New Sweden Irrigation District, Snake River Valley Irrigation District, Idaho Irrigation District, Egin Bench Canals, Inc., and North Fremont Canal Systems, Inc., by and through counsel of record, Jerry R. Rigby, of Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chartered (hereinafter referred to as "Respondents") and hereby file this Notice to Participate and Response to the above entitled Court's **Order Separating and Consolidating Common Issue From Subcases; A01 §§ 11 and 16, I.R.C.P. 42; Order From More Definite Statement; and Notice of Hearing on Whether to Designate as Basin-Wide**

Issue and Scheduling, dated November 25, 2002:

The so-called "Swan Falls Agreement and Contract" has the potential of impacting certain of these Respondents water rights. Therefore, although these Respondents absolutely agree that the October 25, 1984 Swan Falls Agreement and Contract should be addressed and recognized within the Snake River Adjudication, these Respondents are not yet convinced which alternative is the best method in which to address said Swan Falls Agreement and Contract. Although a basin-wide issue has become a tried and tested method in which to address similar issues within the SRBA in the past, there are other methods which may be similarly appealing, such as a general condition which addresses the Agreement and Contract within Idaho Power Company's water rights.

Thorough participation in this Court ordered process, these Respondents shall be in a better position in which to advise this Court of their desires concerning designation of the issue as a basin-wide issue as well as their position concerning the substance of the objection.

Dated this 7th day of February, 2003.



Jerry R. Rigby

CERTIFICATE OF SERVICE

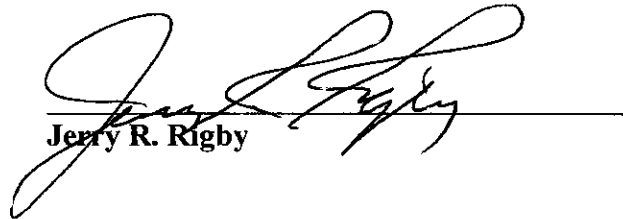
I HEREBY CERTIFY That on this 7th day of February, 2003, I caused to be served the foregoing **RESPONSE** b7 U.S. Mail, postage prepaid, to the following:

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