

LEWISTON ORCHARDS IRRIGATION DISTRICT

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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

Case No. 39576

)
)
) Subcase Nos. 85-00016, 85-02049,
) 85-02063, 85-02065, 85-02146,
) 85-02147, 85-04483, 85-11087 and
) 85-15424
)
)

MOTION TO PARTICIPATE

COMES NOW the Lewiston Orchards Irrigation District (LOID), by and through its
attorney, seeking an order allowing the LOID to participate in the above described subcases.

This motion is made on the grounds and for the reasons more fully set forth below.

The LOID is an irrigation district duly organized under Idaho Statutes and further
developed by Congressional Act of July 31, 1946 (60 Stat. 717, Public Law 79-569), commonly
known as the Lewiston Orchards Project. The LOID is beneficiary of the water rights held by the
United States under the 1947 construction contract between the LOID and the United States
Department of the Interior, Bureau of Reclamation, and is subject to the SRBA jurisdiction.

As an interested party beneficiary, the LOID has been participating in settlement efforts

of the parties, the United States of America and the Nez Perce Tribe of Indians, in the above described subcases. Though some objections between the parties have potentially been resolved, others have not and a trial has been scheduled by the court to address any remaining unresolved issues. LOID believes that the interests of the LOID property owners and customers of its irrigation water distribution system would be best served if LOID was accepted by the court as a party in the above described subcases.

This motion is filed in accordance with SRBA AO1 Rules of Procedures paragraph AO1(10)(k) and within the time prescribed by the court's Trial Scheduling Order deadline of May 1, 2007 for said filing.

DATED this 18th day of April, 2007.


EARL L. McGEOGHEGAN
Attorney for LOID

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19 day of April, 2007, I caused a true and correct copy of the foregoing MOTION TO PARTICIPATE to be served via facsimile and United States Mail, postage prepaid and addressed to the following:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
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United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724
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Office of Legal Counsel
P.O. Box 305
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IDWR Document Depository
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M. Darlene Nye, Legal Secretary