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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 No. 00-92026
	)	
Case No. 39576	)	CITY OF POCATELLO'S
	)	STATEMENT OF COMMON ISSUES
_____	)	<u>OF FACT OR LAW</u>

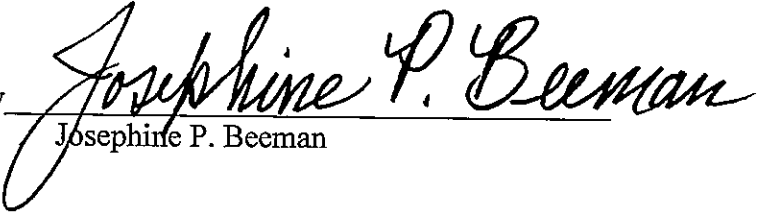
The City of Pocatello is responding to the SRBA court's May 22, 2008 order that no later than June 3, 2008, parties to Consolidated Subcase 92-26 shall file and serve statements identifying [and] framing common issues of law and fact that should be decided by the Court in the context of a consolidated proceeding, and file a proposed scheduling order.

The City of Pocatello believes there are no common issues of law and fact to be framed for decision by the SRBA Court in Consolidated Proceeding 92-26.¹ In each subcase, the issue of an historical practices subordination remark should be referred back to the Special Master for determination. Any proposed scheduling orders would be filed with the Special Master.

¹ There is no unresolved issue of law or fact common to these subcases. There is the generic authority of the Department to include remarks necessary for the definition, clarification or administration of the water right. Idaho Code § 42-1411(2). The application of that generic authority in each subcase is the result of a detailed factual and legal analysis based on the fact-specific circumstances for the individual water right in the subcase.

Dated this 3rd day of June 2008.

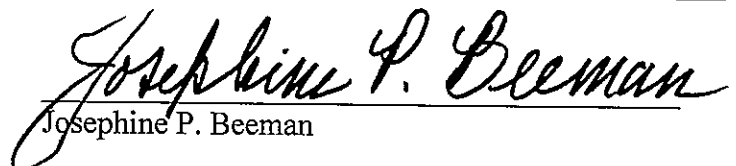
Beeman & Associates, P.C.
Attorneys for the City of Pocatello

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3RD day of June 2008, I caused a true and correct copy of the foregoing **CITY OF POCATELLO'S STATEMENT OF COMMON ISSUES OF FACT OR LAW** to be served on the following by U.S. First Class Mail:

KING HILL IRRIGATION DIST DANIEL V. STEENSON 455 S THIRD ST PO BOX 2773 BOISE, ID 83701-2773 PHONE: 208-342-4591	MILNER IRRIGATION DIST NORTH SIDE CANAL CO TWIN FALLS CANAL CO TRAVIS L THOMPSON 113 MAIN AVE W, STE 303 PO BOX 485 TWIN FALLS, ID 83303-0485 PHONE: 208-733-0700	NATURAL RES DIV CHIEF STATE OF IDAHO ATTY GENERAL'S OFFICE PO BOX 44449 BOISE, ID 83711-4449
IDAHO POWER COMPANY JAMES C TUCKER IDAHO POWER CO PO BOX 70 BOISE, ID 83707 PHONE: 208-388-2200	USDI BUREAU OF RECLAMTN US DEPARTMENT OF JUSTICE ENVIRONMENT & NATL RES 550 WEST FORT ST, MSC 033 BOISE, ID 83724	IGWA INC RANDALL C BUDGE 201 E CENTER, STE A2 PO BOX 1391 POCATELLO, ID 83204-1391 PHONE: 208-232-6101
IDAHO POWER COMPANY JOHN K SIMPSON 1010 W JEFFERSON, STE 102 PO BOX 2139 BOISE, ID 83701-2139 PHONE: 208-336-0700	MINIDOKA IRRIGATION DIS W KENT FLETCHER 1200 OVERLAND AVE PO BOX 248 BURLEY, ID 83318 PHONE: 208-678-3250	A & B IRRIGATION DIST BURLEY IRRIGATION DIST FALLS IRRIGATION DIST ROGER D LING 615 H ST PO BOX 396 RUPERT, ID 83350-0396 PHONE: 208-436-4717
IDAHO POWER COMPANY MICHAEL A GHELETA BROWNSTEIN HYATT ET AL 410 17TH STREET, SUITE 2200 DENVER, CO 80202 PHONE: 303-223-1100	ALDRICH BOWLER LIVING TRUST C/O PETER A BOWLER 555 RIVER RD #3 BLISS, ID 83314	REMARK REGARDING SUBORDINATION OF HYDROPOWER RIGHTS BASED ON "HISTORICAL PRACTICES"
DIRECTOR OF IDWR PO BOX 83720 BOISE, ID 83720-0098	ALDRICH BOWLER HC 60 BOX 1110 BLISS, ID 83314	


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