

Randall C. Budge, ISB No. 1949
Scott J. Smith, ISB No. 6014
Candice M. McHugh, ISB No. 5908
Thomas J. Budge, ISB No. 7465
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
101 S. Capitol Blvd., Suite 208
Boise, ID 83702
Telephone: (208) 395-0011
Facsimile: (208) 433-0167

**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 No.: 00-92026

**GROUND WATER DISTRICT'S
STATEMENT RE:
COMMON ISSUES OF FACT AND LAW**

COME NOW THE ABERDEEN AMERICAN FALLS GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY GROUND WATER DISTRICT, NORTH SNAKE GROUND WATER DISTRICT, and JEFFERSON-CLARK GROUND WATER DISTRICT (the "Ground Water Districts") on behalf of their respective members through counsel and hereby file this Statement pursuant to the *Notice of Status and Scheduling Conference and Setting Deadline to File Statements of Common Issues and Responses* dated May 22, 2008 ("Notice").

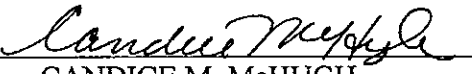
The Notice requests that the parties "file and serve statements identifying framing [sic] common issues of law and fact which each party asserts should be decided by the Court in the context of a consolidated proceeding." Because the Ground Water Districts believe these cases to be factually driven

driven which is further supported by the Department of Water Resource's 706 Reports filed in these matters, the Ground Water Districts do not believe there are any common issues of law and fact that should be decided by the Court in a consolidated proceeding.

The Notice also requests that the parties "file a proposed Scheduling Order." At this time, the Ground Water Districts propose that each of the individual underlying subcases go forward before Special Master Dolan.

DATED this 3rd day of June, 2008.

RACINE OLSON NYE BUDGE & BAILEY

By: 
CANDICE M. McHUGH
Attorneys for Plaintiffs

CERTIFICATE OF MAILING

I certify that a true and correct copy of the GROUND WATER DISTRICT'S STATEMENT RE: COMMON ISSUES OF FACT AND LAW was mailed on June 3rd, 2008 with sufficient first-class postage to the following:

SRBA District Court (fax filed)
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
Facsimile: (208) 736-2121

KING HILL IRRIGATION DISTRICT

Represented by:
Daniel V. Steenson
455 S. Third Street
P.O. Box 2773
Boise, ID 83701-2773
Email: dvs@ringertclark.com

IDAHO POWER COMPANY

Represented by:
James C. Tucker
Idaho Power Co.
P.O. Box 70
Boise, ID 83707
Email: jamestucker@idahopower.com

IDAHO POWER COMPANY

Represented by:
John K. Simpson
1010 W. Jefferson, Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Email: jks@idahowaters.com

CITY OF POCA TELLO

Represented by:
Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702
Email: jo.beeman@beemanlaw.com

MINIDOKA IRRIGATION DISTRICT

Represented by:
W. Kent Fletcher
1200 Overland Avenue
P.O. Box 248
Burley, ID 83318
Email: wkf@pmt.org

DIRECTOR OF IDWR

P.O. Box 83720
Boise, ID 83720-0098
Email: dave.tuthill@idwr.idaho.gov

A & B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT FALLS IRRIGATION DISTRICT

Represented by:
Roger D. Ling
615 H. Street
P.O. Box 396
Rupert, ID 83350-0396
Email: rdl@idlwfir.com

MILNER IRRIGATION DIST. NORTH SIDE CANAL COMPANY TWIN FALLS CANAL COMPANY

Represented by:
Travis L. Thompson
113 Main Ave. W., Ste. 303
P.O. Box 485
Twin Falls, ID 83303-0485
Email: tlt@idahowaters.com

IDAHO POWER COMPANY

Represented by:
Michael A. Gheleta
BROWNSTEIN HYATT ET AL
410 17th Street, Suite 2200
Denver, CO 80202
Email: mgheleta@BHFS.com

USDI BUREAU OF RECLAMATION

Represented by:
US Department of Justice
Environment & Nat'l Resources
550 W. Fort Street, MSC 033
Boise, ID 83724
Email: david.gehlert@usdoj.gov

STATE OF IDAHO

Represented by:
Natural Resources Div. Chief
Attorney General's Office
P.O. Box 44449
Boise, ID 83711-4449
Email: david.stanish@ag.idaho.gov

Aldrich Bowler
HC 60 Box 1110
Bliss, ID 83314

ALDRICH BOWLER LIVING TRUST

c/o Peter A. Bowler
555 River Road #3
Bliss, ID 83314


CANDICE M. McHUGH