

2
RECEIVED
JUL 22 2008
DEPARTMENT OF
WATER RESOURCES

Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

Scott L. Campbell, ISB No. 2251
Tara Martens, ISB No. 5773
Dylan B. Lawrence, ISB No. 7136
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
18-946.24

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. 63-3618
(Lucky Peak Reservoir)

NOTICE OF ADDITIONAL AUTHORITY

Pioneer Irrigation District and Settlers Irrigation District (the "Districts"), through undersigned counsel of record, hereby file this Notice of Additional Authority.

1. The Districts desire to bring to the attention of this Court relevant legal authority which may not have been raised during the recent summary judgment briefing in the above-referenced matter. While there does not appear to be a procedural rule that is directly applicable, it is notable that providing a court with notice of additional authority is specifically

allowed in the context of an appeal to a district court or the Idaho Supreme Court. *See* I.A.R.

34(f)(1), I.R.C.P. 84(r).

2. Idaho Code Section 39-104(4) is relevant to the arguments presented by the parties in the summary judgment briefing for this matter, and this Court should therefore consider it.

DATED this 21ST day of July, 2008.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Tara Martens
Tara Martens – Of the Firm
Attorneys for Pioneer Irrigation District
and Settlers Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of July, 2008, I caused a true and correct copy of the foregoing NOTICE OF ADDITIONAL AUTHORITY to be served by the method indicated below, and addressed to the following:

Albert P. Barker
BARKER ROSHOLT & SIMPSON
1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
Facsimile (208) 344-6034

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Daniel V. Steenson
RINGERT CLARK CHTD.
455 S. Third Street
Post Office Box 2773
Boise, Idaho 83701-2773
Facsimile (208) 342-4657

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

S. Bryce Farris
RINGERT CLARK CHTD.
455 S. Third Street
Post Office Box 2773
Boise, Idaho 83701-2773
Facsimile (208) 342-4657

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jerry A. Kiser
STOPPELLO & KISER
620 W. Hays Street
Boise, Idaho 83702
Facsimile (208) 336-1027

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Natural Resources Division Chief
STATE OF IDAHO ATTORNEY GENERAL'S OFFICE
Post Office Box 44449
Boise, Idaho 83711-4449
Facsimile (208) 334-2530

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Shelley M. Davis
BARKER ROSHOLT & SIMPSON
1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701
Facsimile (208) 344-6034

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Environment and Natural Resources Division
UNITED STATES DEPARTMENT OF JUSTICE
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
Facsimile (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Erika E. Malmen
PERKINS COIE LLP
251 East Front Street, Suite 400
P.O. Box 737
Boise, ID 83702-7310
Facsimile (208) 343-3232

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Susan Thomas
Deputy Prosecuting Attorney
Civil Division
ADA COUNTY PROSECUTOR'S OFFICE
200 West Front Street, Room 3191
Boise, Idaho 83702
Facsimile (208) 287-7719

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

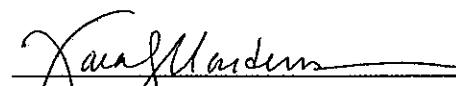
COURTESY COPIES

David W. Gehlert
DEPARTMENT OF JUSTICE
General Litigation Section
1961 Stout Street, 8th Floor
Denver, Co 80294

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Lorna K. Jorgensen
ADA COUNTY PROSECUTOR'S OFFICE
200 West Front Street, Room 3219
Boise, Idaho 83702

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


Tara Martens