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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

) IDAHO POWER COMPANY'S  
) POST-HEARING STATEMENT  
) OF "OWNERSHIP ISSUE"

) Subcase Nos. 01-2064 et al.  
) "Ownership Issue"

The Idaho Power Company ("Idaho Power"), by and through its undersigned attorneys, respectfully submits this Post-Hearing Statement of the "Ownership Issue" involved in the above captioned-subcases. At the October 2, 2008 hearing in this matter, the Court and the parties discussed the "Ownership Issue" referenced in the caption of the May 8, 2008 Order Setting Mandatory Settlement Conference and Trial Scheduling Order, and subsequently in the caption

of the October 15, 2008 Order Setting Settlement Conference and Scheduling Conference. Under the May 8, 2008 scheduling order, a trial is currently set on the "Ownership Issue" in these cases for January 7, 2009.

In the course of the discussion at the October 2, 2008 hearing, the Court invited the parties to submit a statement of issue or proposed order describing the "Ownership Issue," in an effort to ensure that the Court and parties have a common understanding as to the scope of this issue and the scheduled upcoming trial. The parties at the October 2 hearing appeared to agree that the "Ownership Issue" concerns the applicability of the Idaho Supreme Court decision in *United States v. Pioneer Irrigation District*, 144 Idaho 106, 157 P.3d 600 (2007) to the water rights involved in this proceeding. Accordingly, Idaho Power understands and states the "Ownership Issue" to be as follows:

In light of the Idaho Supreme Court's ruling in *United States v. Pioneer Irrigation District*, 144 Idaho 106, 157 P.3d 600 (2007), how should the respective water right interests of the United States and the users or consumers of the water be described in the SRBA decree, and is there any difference in this regard between users or consumers of water making irrigation uses, hydropower uses, or other non-irrigation uses?

Respectfully submitted,

DATED: October 30, 2008

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## CERTIFICATE OF MAILING

I certify that on October 30, 2008, I fax-filed the original and served copies of this **IDAHO POWER COMPANY'S POST-HEARING STATEMENT OF "OWNERSHIP ISSUE"** on each of the following persons via facsimile and U.S. regular mail:

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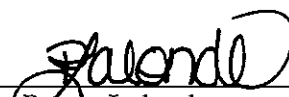
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