

RECEIVED

APR 27 2009

DEPARTMENT OF
WATER RESOURCES

James S. Lochhead
Michael A. Gheleta
BROWNSTEIN HYATT FARBER SCHRECK, LLP
410 Seventeenth Street, Suite 2200
Denver, CO 80202
(303) 223-1100 – Telephone
(303) 223-1111 – Facsimile

John K. Simpson, ISB No. 4242
Shelley M. Davis, ISB No. 6788
BARKER ROSHOLT & SIMPSON LLP
205 North Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 – Telephone
(208) 344-6034 – Facsimile

James C. Tucker, ISB No. 2038
Senior Attorney
IDAHO POWER COMPANY
1221 West Idaho Street
Boise, ID 83702-5627
(208) 388-2112 – Telephone
(208) 388-6935 – Facsimile

Attorneys for Idaho Power Company

**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	)	SUBCASE NOS.: 37-2128, 37-2471,
	)	37-2472, 37-20709 and 37-20710
	)	
Case No. 39576	)	IDAHO POWER COMPANY'S
	)	STATEMENT OF REMAINING
	)	ISSUES
_____	)	

Idaho Power Company ("Idaho Power"), pursuant to the Court's October 22, 2008
Order Setting Deadline and Scheduling Conference, hereby submits this Statement of
Remaining Issues in advance of the scheduling conference on May 13, 2009 at 2:30 p.m.

The October 22, 2008 Order requested all parties to file a short statement explaining what issues remain to be decided at the Special Master level. The Special Master has continued various proceedings in these subcases while litigation has proceeded in SRBA Consolidated Subcase No. 00-92023 (92-23), concerning interpretation and application of the Swan Falls Agreement. Idaho Power and the State of Idaho are engaged in a settlement process, which if concluded successfully would appear to resolve all outstanding issues in these subcases.

More specifically, as explained in the Order Re: Rulings on Pending Summary Judgment Motions entered by Presiding SRBA Judge Melanson on March 27, 2009, the State and Idaho Power (and not yet other parties) have finalized a proposed settlement of the consolidated subcase. The proposed settlement contemplates the passage of certain legislation and the execution of a memorandum of agreement by the Idaho Water Resource Board, the Governor and Idaho Power Company, to be followed by submission to the SRBA Court of the proposed forms of the partial decrees for the hydropower water rights at issue in the consolidation subcase and a dismissal stipulation. The proposed settlement allows ninety (90) days for passage of the legislation, execution of the memorandum of agreement, and submission to the SRBA Court of the partial decrees. Accordingly, the SRBA Court states in its March 27, 2009 Order that it will withhold issuing or entering any ruling on the summary judgment motions currently pending in the consolidated subcase for a period of ninety (90) days following the March 27, 2009 entry of the Order.

It appears to Idaho Power at this time that entry of the partial decrees that are a component of the proposed settlement would resolve all outstanding issues in these subcases, leaving no issues remaining to be decided either at the Special Master level or by

the SRBA Court generally. Idaho Power reserves the right, however, to respond to submissions of other parties as to any outstanding issues such parties may raise.

Dated this 24 day of April, 2009.

Respectfully submitted,

IDAHO POWER COMPANY

James C. Tucker, ISB No. 2038
Senior Attorney, Idaho Power Company
1221 West Idaho Street
Boise, Idaho 83702-5627

John K. Simpson, ISB No. 4242
Shelley M. Davis, ISB No. 6788
Barker Rosholt & Simpson LLP
205 North Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139

By: Michael Gheleta
James S. Lochhead, Esq.
Michael A. Gheleta, Esq.
Brownstein Hyatt Farber Schreck, LLP
410 17th Street, Suite 2200
Denver, CO 80202

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that on this 24th day of April, 2009, a true and correct copy of the foregoing **IDAHO POWER COMPANY'S STATEMENT OF REMAINING ISSUES** was served on the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-27071

BY FACSIMILE

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

U.S. MAIL

U.S. Department of Justice
Environment & Natural Resource Division
550 W. Fort St., MSC 033
Boise, ID 83724

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

U.S. MAIL

3. Copies to all parties to the subcases:

State of Idaho
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

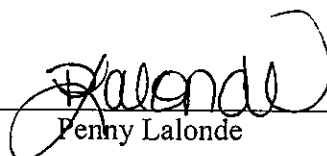
U.S. MAIL

Josephine P. Beeman
409 West Jefferson
Boise, ID 83702

U.S. MAIL

John K. Simpson
Barker Rosholt & Simpson, LLP
1010 W Jefferson Ste., 102
P.O. Box 2139
Boise, ID 83701-2139

U.S. MAIL


Penny Lalonde