

RECEIVED

APR 13 2010

DEPARTMENT OF
WATER RESOURCES

C. Thomas Arkoosh
CAPITOL LAW GROUP, PLLC
301 Main Street
Post Office Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873
Idaho State Bar No. 2253

Attorneys for American Falls Reservoir District #2

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. **01-00006**

**NOTICE OF INTENT TO FILE MOTION
FOR SUMMARY JUDGMENT**

COMES NOW, Claimant, American Falls Reservoir District No. 2 (AFRD No. 2), and hereby gives notice of its intent to file a motion for summary judgment with respect to the issue below.

Presently, the recommendation by the Director of IDWR seeks to describe and characterize the AFRD No. 2 water right differently than it was decreed in the *Eagle Decree* proceedings. Therefore, the issue is:

Whether the 01-06 water right should be decreed and administered as it was previously decreed and set forth in the *Eagle Decree*, which provides that all water diverted by American Falls Reservoir District No. 2 before American Falls

Reservoir fills for the last time in a given irrigation season and begins to drop will be considered natural flow and not charged as storage.

AFRD No. 2 asks this Court to set a scheduling conference on this subcase to establish a timeline for summary judgment proceedings.

Respectfully submitted.

DATED: This 12 day of April, 2010.

CAPITOL LAW GROUP, PLLC

A handwritten signature in black ink, appearing to read "C. Tom Arkoosh", is written over a horizontal line.

C. Tom Arkoosh

Attorney for American Falls Reservoir District #2

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12 day of April, 2010, I served a true and correct copy of the foregoing document by depositing a true and correct copy thereof in the United States mail, postage prepaid, in an envelope addressed to the following individuals at the addresses below listed:

Clerk of the SRBA Court 253 Third Ave North P. O. Box 2707 Twin Falls, ID 83303-2707 Robert L. Harris Holden, Kidwell, Hahn & Crapo, PLLC P.O. Box 50130 Idaho Falls, Idaho 83405 Candace McHugh Randall C. Budge Racine, Olson, Nye, Budge & Bailey, Chd. 101 S. Capitol Blvd., Suite 208 Boise, Idaho 83702 Chief, Natural Resources Division Office of the Attorney General P.O. Box 44449 Boise, Idaho 83711-4449	Craig D. Hobdey P.O. Box 176 Gooding, Idaho 83330 Jerry R. Rigby P.O. Box 250 Rexburg, Idaho 83440 IDWR Document Depository P.O. Box 83720 Boise, Idaho 83720-0098 United States Department of Justice Environment & Nat'l Resources Division 550 West Fort Street, MSC 033 Boise, Idaho 83724 American Falls Reservoir District No. 2 PO Box "C" Shoshone, ID 83352
---	---

CAPITOL LAW GROUP, PLLC


C. Tom Arkoosh