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DEPARTMENT OF
WATER RESOURCES

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February 4, 2010

To: Special Master Theodore R. Booth, Settlement Moderator
Adam T. Devoe, Counsel for Idaho Power Company
Travis Thompson and Paul L. Arrington, Counsel for A&B Irrigation District,
Burley Irrigation District, Falls Irrigation District, North Side Canal Company,
Twin Falls Canal Company, Milner Irrigation District, and Hillsdale Irrigation
District
C. Thomas Arkoosh, Counsel for AFRD No. 2
Jerry R. Rigby, Counsel for Various American Falls Spaceholders
Randall Budge and Candice McHugh, Counsel for Various Groundwater Districts
W. Kent Fletcher, Counsel for Minidoka Irrigation District
David W. Gehlert, Counsel for United States Bureau of Reclamation
David I. Stanish, Deputy Attorney General, State of Idaho

From: Josephine P. Beeman, Counsel for City of Pocatello

Re: City of Pocatello's Statement of Issues for February 15, 2011 Settlement Conference

SRBA Subcase Nos. 01-02068, 01-02068Y, 01-10043

A. STATEMENT OF ISSUES

In compliance with the Court's December 13, 2010 Order Setting Mandatory Settlement Conference, the City of Pocatello hereby submits the following statement of issues to which the City of Pocatello is a party or has an interest in:

1. Ownership: Whether, and to what extent, the Palisades Reservoir storage water right decree(s) should recognize the Idaho Supreme Court's decision in *United States v. Pioneer Irrigation District*.

2. Right to Refill: Whether, and to what extent, the Palisades Reservoir storage water right decree(s) should recognize a right to refill.

3. First to Fill: Whether, and to what extent, the Palisades Reservoir storage water right decree(s) should recognize the winter water savings provisions of the Palisades Contracts.

4. Delivery of Water: Whether, and to what extent, the Palisades Reservoir storage water right decree(s) should recognize the Palisades Contracts, the Eagle Decrees, and/or IDWR calculations. The City of Pocatello's objections requested that the conditions of approval should confirm the usual and customary historical administration of 1-2068.

5. City of Pocatello's Non-Irrigation and Non-Hydropower Storage Uses: Whether, and to what extent, the Palisades Reservoir storage water right decree(s) should recognize the City's year round nonirrigation and non-hydropower storage uses:

- Municipal Storage
- Municipal from Storage
- Irrigation Storage
- Irrigation from Storage
- Power Storage
- Power from Storage
- Domestic Storage
- Domestic from Storage
- Industrial Storage
- Industrial from Storage
- Commercial Storage
- Commercial from Storage
- Recharge Storage
- Recharge from Storage
- Mitigation Storage
- Mitigation from Storage

6. Place of Use: Whether, for all purposes related to Pocatello's contract, the place of use consists of two areas. One area consists of the lands located within the service area for the City of Pocatello. The other area consists of those lands located within the Snake River drainage below Palisades Reservoir that have or may in the future receive water from the City of Pocatello's Palisades Reservoir storage right through mitigation or through rental or lease from the City of Pocatello.

B. POTENTIAL DISCOVERY ISSUES

The City of Pocatello would anticipate some written discovery and possible depositions prior to filing summary judgment motions regarding the above issues.

C. PROPOSED TRIAL SCHEDULE

The City of Pocatello would propose the following schedule:

November 30, 2011	Discovery to be completed
January 2012	Deadline for motions for summary judgment
February 2012	Hearing on motions for summary judgment
May 2012	Trial

DATED this 4th day of February 2011.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By Josephine P. Beeman
Josephine P. Beeman

CERTIFICATE OF MAILING

I certify that a true and correct copy of POCATELLO'S STATEMENT OF ISSUES was mailed on February 4, 2011, to the following:

Special Master Theodore R. Booth
Snake River Basin Adjudication
P. O. Box 2707
Twin Falls, ID 83303-2707

IDAHO POWER COMPANY
Represented by:
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AMERICAN FALLS RESERVOIR
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STATE OF IDAHO
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ABERDEEN AMERICAN FALLS
ABERDEEN-SPRINGFIELD CANAL CO
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND
CAREY VALLEY GROUND WATER DIST
JEFFERSON CLARK GROUND WATER

MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER DIST
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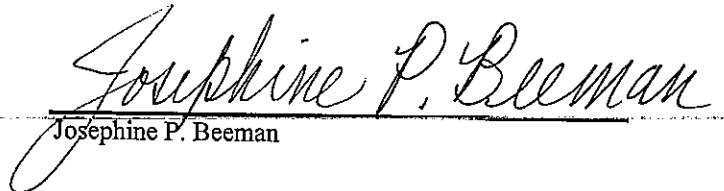
A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
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MILNER IRRIGATION DISTRICT
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UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
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Josephine P. Beeman