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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

)
) Subcase Nos. 01-00217, 01-00218,
) 01-04024, and 01-04025
) (Minidoka Power Right)

)
) Subcase Nos. 01-2068 and 01-4054
) (Palisades Power Rights)

)
) **SWC'S JOINT AMENDED MOTION**
) **FOR RECONSIDERATION**
)

COME NOW, A & B Irrigation District, American Falls Reservoir District No. 2, Burley Irrigation District, Falls Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company, collectively referred to herein as Surface Water Coalition (“SWC” or “Coalition”), by and through counsel of record, and pursuant to Idaho Rule of Civil Procedure 7(b)(1) hereby jointly amends its motion for reconsideration filed regarding the Court’s *Memorandum Decision and Order on Challenge*, filed February 11, 2011 in the above entitled subcases.

In its original motion for reconsideration filed on February 22, 2011, the Coalition mistakenly cited I.R.C.P 11(a)(2)(B) instead of I.R.C.P. 59(e). The Coalition hereby amends its prior motion and requests the Court to reconsider its *Memorandum Decision* pursuant to Rule 59(e). The Rule provides the Court with a discretionary “mechanism to correct legal and factual errors” made in the proceedings before it. *See Slaathaug v. Allstate Ins. Co.*, 132 Idaho 705, 707 (1999); *First Security Bank v. Neibaur*, 98 Idaho 598, 603 (1977). The Coalition seeks reconsideration and/or clarification on the following points and would request the Court to alter or amend its *Memorandum Decision* accordingly:

1. That the State of Idaho, through Henry C. Eagle, the duly appointed Watermaster at the time of the *Eagle Decree*, pursuant to Idaho Code § 42-605, is bound by the terms of the *Eagle Decree*.
2. In the alternative, if the Court finds that the State of Idaho is not bound by the terms of the *Eagle Decree*, a determination of which State employees and/or agencies are bound by the terms of the *Eagle Decree* for purposes of administration of the water rights at issue in these subcases.
3. That the U.S. Bureau of Reclamation cannot agree to “remarks” on the water rights that would violate the provisions of the contracts it entered into with the Surface Water Coalition.

4. That genuine issues of material fact exist as to the meaning of the agreed upon "remarks" and whether they violate the provisions of the contracts Reclamation entered into the Surface Water Coalition.

The Coalition is filing its memorandum in support of this amended motion consistent with Rule 7(b)(3), or by March 8, 2011 (14 days from the filing of the original motion). There is no prejudice to any party in this proceeding since there will be an opportunity to respond to the motion both in writing and at oral argument. The Coalition further requests a hearing on this motion.

Respectfully submitted.

DATED: This 2nd day of March, 2011.

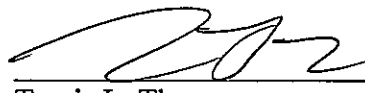
CAPITOL LAW GROUP, PLLC



Tom Arkoosh
Attorney for AFRD No. 2

DATED: This 2nd day of March, 2011.

BARKER ROSHOLT & SIMPSON LLP

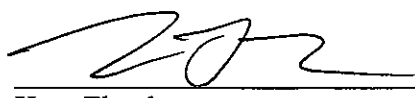


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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2011, I served a true and correct copy of the foregoing document on the person(s) listed below by the method indicated:

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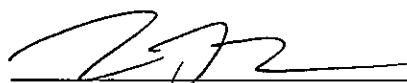
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