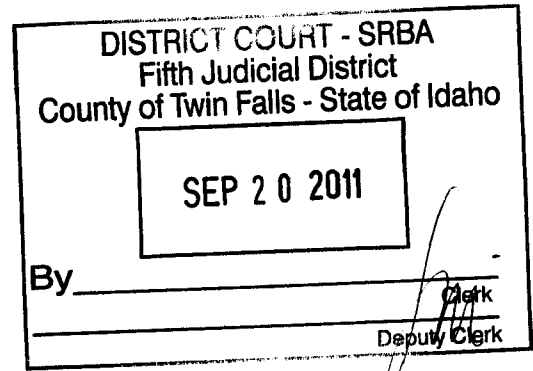


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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase Nos: 34-2459, 34-2460, 34-2461,
34-2462, and 34-10925

**MOTION FOR RECONSIDERATION, OR IN
THE ALTERNATIVE, MOTION IN LIMINE**

Telford Lands, LLC (collectively, "Telford"), by and through its counsel of record, Robert L. Harris of Holden, Kidwell, Hahn & Crapo, PLLC, pursuant to I.R.C.P. 11(a)(2)(B), hereby moves this court for reconsideration of its *Order Denying Motion for Summary Judgment* issued on March 28, 2011 (hereinafter, "*Order*"). This motion is supported by the *Memorandum in Support of Motion for Reconsideration*, as well as the prior affidavits and pleadings submitted in this matter.

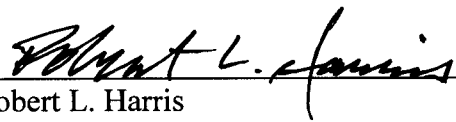
The primary basis for this motion for reconsideration is that at the time the Special Master issued her *Order*, she did not have the benefit of the Idaho Department of Water Resources' (hereinafter "IDWR") *Supplemental Director's Report Regarding Subcase Nos. 34-*

2459, 34-2460, 34-2461, 34-2462, and 34-10925 issued on July 25, 2011 (hereinafter, "SDR").

The court should therefore reconsider its *Order* in light of the *SDR*, and grant the previous motion for summary judgment as it relates to whether the accomplished transfer can or will cause injury to the objectors.

In the alternative, this motion seeks to define the issues to be litigated at the trial on this matter currently scheduled for November 9-10, and 16th of 2011. As set forth in Telford's *Memorandum in Support of Motion for Reconsideration*, any evidence relative to technical analyses regarding the nature, magnitude, and timing of the effect of pumping from the Island Wells on the surrounding water table, and their potential effects on the pumping levels of the wells used by the objectors, should not be admitted at trial because this court does not have jurisdiction to determine a reasonable ground water pumping level, which is a component of any future injury analysis or determination. See *SDR* at 3. Furthermore, given IDWR's advancement of the priority dates for Water Right Nos. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925, technical evidence of what could happen is not relevant because IDWR has put the objectors in the position of holding rights senior to the claimant's rights, and therefore, even presuming the alleged potential injury does happen, the objectors are in a position to enforce their priorities under the prior appropriation doctrine. The objectors therefore have been fully protected from any potential injury, and as such, the issues at trial should be limited accordingly.

Dated this 19th day of September, 2011.


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

CERTIFICATE OF MAILING

I certify that on this 17th day of September, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

Paul L. Arrington
Barker, Rosholt & Simpson, LLP
PO Box 485
Twin Falls, ID 83303

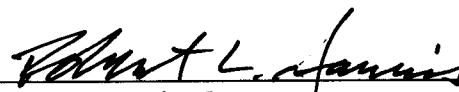
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