

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

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JAN 20 2012

DEPARTMENT OF
WATER RESOURCES

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. 01-02064, 01-02064A,
) 01-02064B, 01-02064C, 01-02064D,
) 01-02064E, 01-02064F, 01-02064L,
) 01-10042, 01-10042A, 01-10042B,
) 01-10053A, and 01-10190
) (American Falls Subcases)
)

) Subcase Nos. 01-02068, 01-02068D,
) 01-02068E, 01-02068F, 01-02068M,
) 01-02068Y, 01-10043, 01-10043A,
) 01-10043E, 01-10191, and 01-10389
) (Palisades Subcases)
)

) **STATE OF IDAHO'S**
) **STATEMENT OF REMAINING ISSUES**
)
)
)
)

The State of Idaho, by and through its counsel of record, and pursuant to the Court's *Order Setting Status/Scheduling Conference* of December 15, 2011, hereby submits the State of Idaho's Statement of Remaining Issues that must be resolved to decree the water rights for storage of water in American Falls Reservoir and Palisades Reservoir.

ISSUES REMAINING

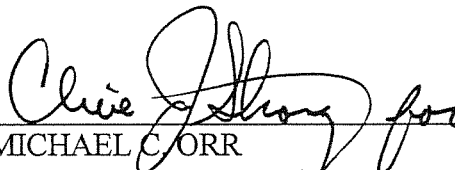
1. What provisions, if any, of the contracts between storage spaceholders and the United States Bureau of Reclamation must be incorporated into the partial decrees for storage of water in the American Falls and Palisades Reservoirs in order to define or efficiently administer the storage water rights?
2. Under what circumstances may storage space in the American Falls and Palisades Reservoirs be "refilled," that is, under what circumstances may the cumulative quantities of water stored in the Reservoirs exceed the quantity elements of the storage water rights?
3. What ownership interest do non-irrigation entities have in the storage rights of the American and Palisades Reservoirs?
4. Whether the partial decrees for the American Falls and Palisades Reservoirs storage rights must recite or recognize purposes of use other than irrigation for non-irrigation spaceholder entities?

This statement of issues is preliminary and based upon information available to the State as of the date of filing, and may be subject to modification and/or clarification as more information becomes available.

DATED this 19th day of January 2012.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


MICHAEL C. ORR
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on this 19th day of January, 2012, I caused to be served the original and copies of the **STATE OF IDAHO'S STATEMENT OF REMAINING ISSUES** on the following persons by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
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☐ Federal Express
☒ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to:

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Represented by:
JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

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IDAHO POWER COMPANY
Represented by:
JIM LOCHHEAD
BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
301 MAIN ST
PO BOX 32
GOODING, ID 83330

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☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
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ABERDEEN AMERICAN FALLS GWD
BINGHAM GWD
BONNEVILLE JEFFERSON GWD
CAREY VALLEY GWD
IGWA INC
JEFFERSON CLARK GWD
MADISON GWD
MAGIC VALLEY GWD
NORTH SNAKE GWD

Represented by:
CANDICE MCHUGH
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHTD.
101 CAPITOL BLVD., STE. 208
BOISE, ID 83702

- ☒ U.S. Mail, postage prepaid
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NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

- ☒ U.S. Mail, postage prepaid
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MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318

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USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

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UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION PN-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

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CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

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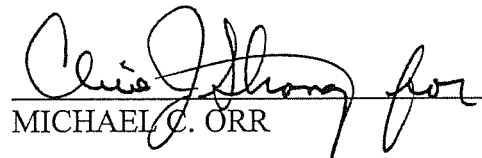
STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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PO BOX 83720
BOISE, ID 83720-0098

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MICHAEL C. ORR