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DEPARTMENT OF
WATER RESOURCES

C. Tom Arkoosh, ISB #2253
CAPITOL LAW GROUP, PLLC
P.O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873

*Attorneys for American Falls Reservoir
District #2*

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER RSHOLT & SIMPSON LLP
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

*Attorneys for A & B Irrigation District, Burley
Irrigation District, Milner Irrigation District,
North Side Canal Company, and Twin Falls
Canal Company*

Roger D. Ling, ISB #1018
P.O. Box 623
Rupert, Idaho 83350
Telephone: (208) 434-2717
Facsimile: (208) 436-6804

*Attorney for A&B Irrigation District, Burley
Irrigation District, and Falls Irrigation Dist.*

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 678-3250
Facsimile: (208) 878-2548

Attorneys for Minidoka Irrigation District

**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	)	Subcase Nos.: Attachment A
	)	
	)	SURFACE WATER COALITION'S
Case No. 39576	)	STATEMENT OF ISSUES /
	)	PROPOSED TRIAL SCHEDULES
	)	
	)	

COME NOW, American Falls Reservoir District #2, A&B Irrigation District, Burley
Irrigation District, Falls Irrigation District, Milner Irrigation District, Minidoka Irrigation
District, North Side Canal Company and Twin Falls Canal Company (collectively "Surface
Water Coalition" or "Coalition"), by and through their undersigned attorneys of record, and

submit this *Statement of Issues and Proposed Trial Schedules* pursuant to the Court's order of December 15, 2011.

STATEMENT OF ISSUES

SWC submits the following "issues" for consideration by the Court at the upcoming status/scheduling conference on January 26, 2012. It is the understanding of the SWC that the elements of ownership, quantity, priority date, and remarks relating to "winter water savings" and "ownership" will be agreed to and that a stipulation signed by all parties will be filed with the Court to resolve those issues. In the event the stipulation is not filed or approved by the Court the SWC reserves all rights regarding those elements and issues.

A. American Falls Reservoir: 01-2064

1. No Unilateral Subordination

It must be clarified that Reclamation cannot "subordinate" the water right, either in the SRBA, or at any time in the future, without the consent of all spaceholders.

2. Place of Use

Remark should be consistent with the terms of the *Eagle Decree* and the contracts between Reclamation and the spaceholders regarding the holding of storage in upstream reservoirs.

3. Other Provisions Necessary / Palisades Contracts / Eagle Decree and Stipulation

The remark referencing the *Eagle Decree* and spaceholder contracts should be amended or clarified. The administration of this water right has been governed by the *Eagle Decree* and spaceholder contracts. Additional remarks for administration are necessary to implement provisions from the contracts and *Eagle Decree*. The binding effect of the *Eagle Decree* stipulation and *Eagle Decree* as it pertains to the administration of these water rights is also at issue.

4. Refill

A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts.

B. Palisades Reservoir: 01-2068

1. No Unilateral Subordination

It must be clarified that Reclamation cannot “subordinate” the water right, either in the SRBA, or at any time in the future, without the consent of all spaceholders.

2. Place of Use

Remark should be consistent with the terms of the *Eagle Decree* and the contracts between Reclamation and the spaceholders regarding the holding of storage in upstream reservoirs.

3. Other Provisions Necessary / Palisades Contracts / Eagle Decree and Stipulation

The remark referencing the *Eagle Decree* and spaceholder contracts should be amended or clarified. The administration of this water right has been governed by the *Eagle Decree* and spaceholder contracts. Additional remarks for administration are necessary to implement provisions from the contracts and *Eagle Decree*. The binding effect of the *Eagle Decree* stipulation and *Eagle Decree* as it pertains to the administration of these water rights is also at issue.

4. Refill

A remark should be added regarding Reclamation’s right to refill the storage under the same priority to satisfy spaceholder contracts.

C. Jackson Lake Reservoir: 01-4055, 01-10044, 01-10045

1. No Unilateral Subordination

It must be clarified that Reclamation cannot “subordinate” the water right, either in the SRBA, or at any time in the future, without the consent of all spaceholders.

2. Quantity

Should be consistent with prior license. Remark regarding determination by the State of Wyoming should be deleted.

3. Priority Date

Remark regarding determination by the State of Wyoming should be deleted.

4. Place of Use

Remark should be consistent with the terms of the *Eagle Decree* and the contracts between Reclamation and the spaceholders regarding the holding of storage in upstream reservoirs.

5. Other Provisions Necessary / Palisades Contracts / Eagle Decree and Stipulation

The remark referencing the *Eagle Decree* and spaceholder contracts should be amended or clarified. The administration of this water right has been governed by the *Eagle Decree* and spaceholder contracts. Additional remarks for administration are necessary to implement provisions from the contracts and *Eagle Decree*. The binding effect of the *Eagle Decree* stipulation and *Eagle Decree* as it pertains to the administration of these water rights is also at issue.

6. Refill

A remark should be added regarding Reclamation's right to refill the storage under the same priority to satisfy spaceholder contracts.

PROPOSED TRIAL SCHEDULES (BY RESERVOIR)

01-2064 & Overlapping Private Claims (American Falls Reservoir)

Discovery Completed Date:	August 31, 2012
Dispositive Motion Deadline:	September 28, 2012
Dispositive Motion Hearing:	November, 2012
Pre-Trial Conference:	January 17, 2013
Trial:	February 4-8, 2013

01-2068 & Overlapping Private Claims (Palisades Reservoir)

Discovery Completed Date:	November 18, 2012
Dispositive Motion Deadline:	December 21, 2012
Dispositive Motion Hearing:	February 21, 2013
Pre-Trial Conference:	April 11, 2013
Trial:	April 29 – May 3, 2013

01-4055 & Overlapping Private Claims (Jackson Lake Reservoir)

Discovery Completed Date:	April 19, 2013
Dispositive Motion Deadline:	May 24, 2013
Dispositive Motion Hearing:	July, 2013
Pre-Trial Conference:	September 12, 2013
Trial:	September 30 – October 4, 2013

ALTERNATIVE TRIAL SCHEDULES (BY ISSUES)

In the alternative, the Court may take up issues that would apply to more than one or all reservoir storage water right claims in some way or another. Trials on multiple issues may be combined for efficiency. The following is a list of issues and how they might be scheduled for trial. Remaining individual issues for each water right claim, if any, may have to be addressed and scheduled separately as well.

Ownership / Quantity / Priority / Purpose of Use (all reservoirs):

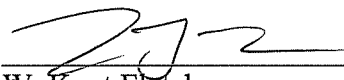
Discovery Completed Date: June 29, 2012
Dispositive Motion Deadline: July 27, 2012
Dispositive Motion Hearing: September 20, 2012
Trial: November 12-16, 2012

Remarks for Clarification, Definition of Right, and Administration / Palisades Contracts / Eagle Decree / Eagle Decree Stipulation / Refill (all reservoirs):

Discovery Completed Date: August 31, 2012
Dispositive Motion Deadline: October 5, 2012
Dispositive Motion Hearing: November 29, 2012
Pre-Trial Conference: January 17, 2013
Trial: February 4-8, 2013

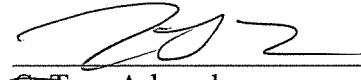
DATED this 19th day of January, 2012.

FLETCHER LAW OFFICE


W. Kent Fletcher

Attorneys for Minidoka Irrigation District

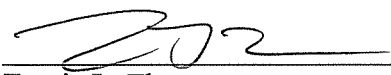
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C. Tom Arkoosh

*Attorneys for American Falls Reservoir
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Irrigation Districts*


Travis L. Thompson
*Attorneys for A & B, Burley, Milner Irrigation
Districts, NSCC, and TFCC*

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January, 2012, I served a true and correct copy of the foregoing **SURFACE WATER COALITION'S STATEMENT OF ISSUES / PROPOSED TRIAL SCHEDULES** on the person(s) listed below, by U.S. Mail, and electronic mail if available:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

U.S. Bureau of Reclamation
Regional Director, PN Region
1150 N. Curtis Rd., Ste. 100
Boise, ID 83706-1234

Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440-0250

Adam T. Devoe
410 17th St., 22nd Floor
Denver, CO 80202

Randall C. Budge
Candice M. McHugh
P.O. Box 1391
Pocatello, ID 83201

U.S. Department of Justice
Division of Env. & Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83706-1234

Idaho Attorney General's Office
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449

Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405

Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702

James C. Tucker
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707

A. Dean Tranmer
P.O. Box 4169
Pocatello, Idaho 83201



Travis L. Thompson

ATTACHMENT A

01-2064
01-2064A
01-2064B
01-2064C
01-2064D
01-2064E
01-2064F
01-2064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190

01-2068
01-2068D
01-2068E
01-2068F
01-2068M
01-2068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389

01-04055
01-10044
01-10045
01-10045A
01-10045B
01-10196