



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 12, 2012

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 13 2012	
By _____	Clerk
_____	Deputy Clerk

(Sent via US Mail and E-mail)

Special Master Terrance A. Dolan
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: SRBA Subcase Nos. 1-2064 & 1-2068, et al.

Special Master Dolan:

A motion for leave to file an *amicus* brief in the subcase proceedings for the above-referenced water rights was filed on June 8, 2012 by the Black Canyon Irrigation District, New York Irrigation District, Pioneer Irrigation District, Nampa-Meridian Irrigation District and the Boise Project Board of Control. These entities have not claimed an interest in the above-referenced water rights, but seek leave to file an *amicus* brief relating to the "refill" issue of the State's motion for partial summary judgment.¹

¹ The State's motion for partial summary judgment sought rulings on three issues, including "refill":

The following "refill" remark should be included in the partial decrees for storage water rights nos. 01-2064 (American Falls Reservoir) and 01-2068 (Palisades Reservoir) because it is necessary to define and/or efficiently administer the rights:

This right is filled for a given irrigation season when the total quantity of water that has accumulated to storage under this right equals the decreed quantity. Additional water may be stored under this right but such additional storage is incidental and subordinate to all existing and future water rights.

State Of Idaho's Motion For Partial Summary Judgment (Jan. 25, 2012), at 2. The hearing on this motion and the Surface Water Coalition's motion for partial summary judgment is set for July 12, 2012.

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The motion for leave to file an *amicus* brief did not request or notice a hearing, but rather simply requested that the Special Master enter an order permitting the filing of the *amicus* brief. The State agrees that a hearing on the motion for leave to file an *amicus* brief is not necessary, but does intend to file a response to the motion.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Orr". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Orr".

Michael C. Orr
Deputy Attorney General

MCO/olv

Cc: Travis L. Thompson
John K. Simpson
Paul L. Arrington
Shelley M. Davis
Albert P. Barker
Scott L. Campbell
Charles F. McDevitt
Jerry R. Rigby
Randall C. Budge
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