

RECEIVED
JUN 29 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 27 2012	
By _____	Clerk
_____	Deputy Clerk

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	)	Subcases 01-2064, et al. (American Falls Reservoir)
	)	and 01-2068, et al. (Palisades Reservoir)
Case No. 39576	)	(see list of subcases attached)
	)	
_____	)	ORDER CLARIFYING ORDER ON AMICUS
		MOTIONS

BACKGROUND

On June 22, 2012, the Special Master entered an *Order on Amicus Motions* denying the Amicus Curiae's *Motion to Vacate and Reset*, but granting their *Motion for Leave to File Amicus Brief*. The Amici were thereby allowed to join the subcases as amicus curiae and submit their ten page *Amicus Brief*, along with an affidavit of Rex R. Barrie, Basin 63 Watermaster, filed over two weeks before the hearing.

On June 26, 2012, the State of Idaho filed its *Request for Clarification of Order on Amicus Motions* first recalling there was considerable disagreement among the parties at the hearing whether granting the *Amicus Motions* authorized Amici to make further filings beyond their *Brief*. The State then wrote that the Special Master resolved the question by ruling from the bench the Amici would not be allowed to make any additional filings, but the written *Order* was silent on that point. Hence, the State requested clarification "to facilitate the orderly resolution of these subcases."

On June 26, 2012, the Amici filed their *Response to Request for Clarification of Order on Amicus Motions*. They recalled the Special Master said he did not "need or require" additional briefing from the Amici, but he did not orally rule the Amici are prevented from filing a reply to the State's *Response* to the *Amicus Brief*. They argued they are entitled to such an opportunity.

The State filed its *Reply on Request for Clarification on Amicus Motions* on June 27, 2012. It wrote the Special Master already denied the Amici's request to file such a reply. Further, the State argued: "Amici do not intend to simply inform the Court of their allegedly unique interests but to oppose the State's summary judgment motion on the merits . . . [and] the briefing schedule will be disrupted and the State will be prejudiced if Amici are allowed to make these further filings."

DISCUSSION

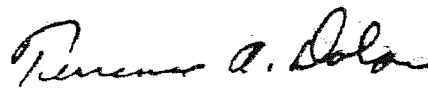
The Special Master agrees with the State. Although not explicitly mentioned in the *Order*, it should have been clear at the hearing the Amici were allowed to appear in the subcases and lodge their *Brief* as a friend of the Court. However, because they took the subcases as they found it, they were not allowed to make further filings. Their concerns were made abundantly clear in their *Brief* and now the parties and the Court must move forward on the pending *Motions for Partial Summary Judgment*.

The State pointed out only a few days remain before the deadline to file replies to the summary judgment motions and any further filings by the Amici would essentially widen the scope of the summary judgment issues, disrupt the proceedings and unduly burden the parties. As noted in the *Order*, regardless of the Special Master's decision on the *Motions for Partial Summary Judgment*, all parties to the SRBA will have ample opportunity to revisit issues raised by the Amici in subsequent proceedings. In the meantime, the issues they raised in their *Brief* have been duly noted and now the parties must be free to conclude their summary judgment filings.

ORDER

THEREFORE, IT IS ORDERED that the Amici shall not make further filings in these subcases as amicus curiae and the State shall not respond any further to their *Amicus Brief* or *Response*.

DATED June 27, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

(Certificate of mailing continued)

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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

ABERDEEN AMERICAN FALLS
ABERDEEN-AMERICAN FALLS
ABERDEEN-AMERICAN FALLS GROUND
ABERDEEN-SPRINGFIELD CANAL CO
AMERICAN FALLS SPACEHOLDERS
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND
BONNEVILLE-JEFFERSON GROUND
JEFFERSON CLARK GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER
NORTH SNAKE GROUND WATER DIST
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

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
Phone: 208-436-4717

BOISE PROJECT BOARD OF CONTROL
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
HILLSDALE IRRIGATION DIST
MILNER IRRIGATION DISTRICT
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
Phone: 208-733-0700

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT
Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250

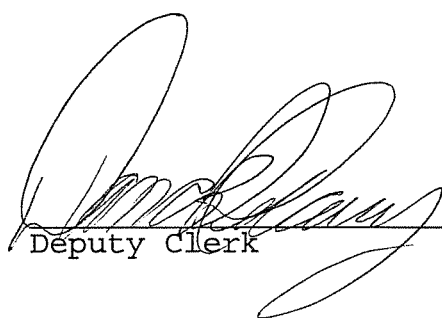
BONNEVILLE JEFFERSON GROUND
WATER DISTRICT

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 2 6/27/12

FILE COPY FOR 00032 Deputy Clerk



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CLARIFYING ORDER ON AMICUS MOTIONS was mailed on June 28, 2012, with sufficient first-class postage to the following:

IDAHO POWER COMPANY

Represented by:
ADAM T DEVOE
BROWNSTEIN HYATT & FARBER PC
410 17TH STREET, 22ND FL
DENVER, CO 80202
Phone: 303-223-1100

PIONEER IRR DIST

Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

HILLSDALE IRRIGATION DIST

Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

AMERICAN FALLS RESERVOIR

Represented by:
C THOMAS ARKOOSH
CAPITOL LAW GROUP, PLLC
301 MAIN ST
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

BLACK CANYON IRR DIST

NEW YORK IRR DIST
NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

AMERICAN FALLS RESERVOIR

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

IDAHO POWER COMPANY

Represented by:
JAMES C TUCKER
IDAHO POWER CO
1221 WEST IDAHO STREET
BOISE, ID 83702-5627
Phone: 208-388-2112

AMERICAN FALLS SPACEHOLDERS

JERRY R RIGBY
NEW SWEDEN IRRIGATION DIST
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950