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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

Basin-Wide Issue 17
Subcase No.: 00-91017

**MOTION TO CONSOLIDATE ISSUE
REGARDING "REFILL" OF BUREAU OF
RECLAMATION STORAGE RIGHTS**

SCANNED
JUL 12 2012

Black Canyon Irrigation District, New York Irrigation District, Pioneer Irrigation District, the Payette River Water Users Association¹, and the Boise Project Board of Control (collectively the “Irrigation Entities”), by and through undersigned counsel of record and pursuant to Idaho Rule of Civil Procedure 42(a) and SRBA Administrative Order 1, Section 11, hereby move the Court for an order separating the storage reservoir “refill” issue now pending in Basin 01 proceedings, and consolidating the same within the Basin-Wide Issue requested by the Irrigation Entities in their Petition to Designate Basin-Wide Issue, filed June 8, 2012.²

The Irrigation Entities seek consolidation of the “refill” issue because: (1) the issue has potential state-wide application and the State’s briefing of the issue concedes as much; (2) Basin-Wide Issue treatment of the matter is the most protective of the rights and interests of other affected parties outside of Basin 01; and (3) separation and consolidation of the issue presents the most expeditious and financially prudent path to resolution, while also minimizing the risk of conflicting decisions in separate judicial and administrative proceedings.

This motion is supported by the Affidavits of Tiffany Hudak and Scott L. Campbell, and the corresponding Memorandum in Support filed contemporaneously herewith.

¹ The membership of the Association includes: Bane Butler Ditch, Bilbrey Ditch Company Ltd., Black Canyon Irrigation District, Colwell Ranches LLC, Davis Cattle Company, Emmett Irrigation District, Enterprise Ditch Company Ltd., Farmers Co-op Irrigation Company Ltd., City of Fruitland, Fry Ranch, Island Capital, Last Chance Ditch Company, Letha Irrigation, Lower Payette Ditch Company, Noble Ditch Company Ltd., Payette County Drainage District No. 2, Reed Ditch Company, Seven Mile Ranches, and Washoe Irrigation & Water Power.

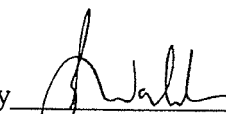
² The Basin 01 proceedings are Subcase Nos.: 01-02064, 01-02064A, 01-02064B, 01-02064C, 01-02064D, 01-02064E, 01-02064F, 01-02064L, 01-10042, 01-10042A, 01-10042B, 01-10053A, and 01-10190 (the “American Falls” Subcases); and 01-02068, 01-02068D, 01-02068E, 01-02068F, 01-02068M, 01-02068Y, 01-10043, 01-10043A, 01-10043E, 01-10191, and 01-10389 (the “Palisades” Subcases).

This motion is also supported by the Affidavits of Rex Barrie and Ron Shurtleff, both dated June 8, 2012, on file with the Court in the Basin 01 proceedings.

DATED this 11th day of July, 2012.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By



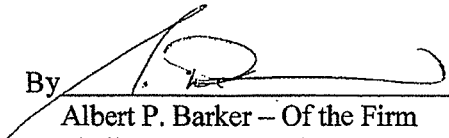
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JUL 12 2012

DATED this 11th day of July, 2012.

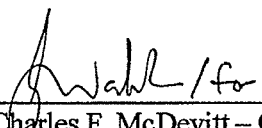
BARKER ROSHOLT & SIMPSON, LLP

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Shelley M. Davis – Of the Firm
Attorneys for Boise Project Board of
Control

DATED this 11th day of July, 2012.

MCDEVITT & MILLER, LLP

By 

Charles F. McDevitt – Of the Firm
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of July, 2012, I caused a true and correct copy of the foregoing **MOTION TO CONSOLIDATE ISSUE REGARDING "REFILL" OF BUREAU OF RECLAMATION STORAGE RIGHTS** to be served by the method indicated below, and addressed to the following:

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SRBA Court's Expedited Mailing List Attached

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SRBA Court's Mailing List for Subcases

01-02064, et al. (American Falls Reservoir) and

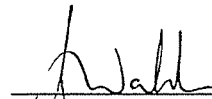
01-02068, et al. (Palisades Reservoir)

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