

DEPARTMENT OF
WATER RESOURCES

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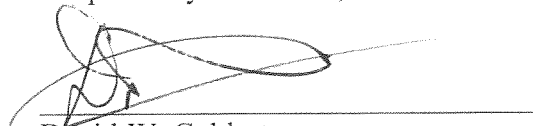
irrigation organizations claims must be dismissed because they are precluded by the Idaho Supreme Court's decision in *United States v. Pioneer Irrigation District*, 144 Idaho 106, 157 P.3d 600 (2007).

Argument

In *Pioneer*, the Idaho Supreme Court faced “separate claims to the same [storage] water rights,” just as this Court does. 157 P.3d at 602. The *Pioneer* decision parsed the legal interests held by the three entities whose combined efforts created storage water rights in the federal reservoirs: the United States holds legal title; the consumers or users of the water hold “title to the use of the water;” and the “irrigation districts hold an interest on behalf of the water users.” *Id.* at 609. To protect each of those interests, the court mandated a remark for the federal storage water rights. The claims submitted by the United States include that remark. As this Court has recognized, the Idaho Supreme Court’s instruction that the United States holds legal title to the storage water rights in federal reservoirs compels the conclusion that any “separate individual claims [to storage water rights] by the irrigation organizations must be decreed disallowed.” Order Disallowing With Prejudice All Claims Filed By Irrigation Entities Under Consolidated Subcase No. 91-63, Subcase Nos. 63-303A . . . (June 29, 2007) at 1. Because the State of Idaho’s motion does no more than request that this Court follow the mandate of the Idaho Supreme Court and this Court’s own precedent, it must be granted.

DATED this 3rd day of December, 2014.

Respectfully submitted,



David W. Gehlert

CERTIFICATE OF SERVICE

I certify that on December 30th, 2014, I served true and correct copies of the foregoing UNITED STATES' RESPONSE IN SUPPORT OF STATE OF IDAHO'S MOTION FOR SUMMARY JUDGMENT as follows:

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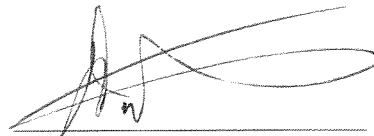
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A handwritten signature in black ink, appearing to read 'David W. Gehlert', written over a horizontal line.

David W. Gehlert