

APPROPRIATORS, INC.;)
))
Petitioners,)
))
vs.)
))
CITY OF POCATELLO;)
))
Petitioner,)
))
vs.)
))
GARY SPACKMAN, in his capacity as Interim)
Director of the Idaho Department of Water)
Resources, and THE IDAHO DEPARTMENT)
OF WATER RESOURCES,)
))
Respondents.)
))

IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF A&B)
IRRIGATION DISTRICT, AMERICAN)
FALLS RESERVOIR DISTRICT #2,)
BURLEY IRRIGATION DISTRICT,)
MILNER IRRIGATION DISTRICT,)
MINIDOKA IRRIGATION DISTRICT,)
NORTH SIDE CANAL COMPANY, AND)
TWIN FALLS CANAL COMPANY)

))

COME NOW, Petitioners, A&B Irrigation District (“A&B”), American Falls Reservoir District #2 (“AFRD#2”), Burley Irrigation District (“BID”), Milner Irrigation District (“Milner”), Minidoka Irrigation District (“MID”), North Side Canal Company (“NSCC”), and Twin Falls Canal Company (“TFCC”) (collectively hereafter referred to as the “Surface Water Coalition”, “Coalition”, or “SWC”), by and through their undersigned counsel, and hereby request a status conference in the above-referenced appeals.

Presently pending before this court are six appeals from the same two final orders by the Interim Director of the Idaho Department of Water Resources; the June 23, 2010 *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (the “*Methodology Order*”) and the June 24, 2010 *Final Order Regarding April 2010 Forecast Supply (Methodology Steps 3&4); Order on Reconsideration* (the “*As-Applied Order*”).

The *Methodology Order* was appealed to the Gooding County District Court by the Coalition (Appeal No. CV-2010-384), the Idaho Ground Water Appropriators, Inc. (“IGWA”) (Appeal No. CV-2010-383); and the City of Pocatello (Appeal No. CV-2010-388). The *As-Applied Order* was appealed to the Gooding County District Court by IGWA (Appeal No. CV-2010-382) and Pocatello (Appeal No. CV-2010-387). The Coalition appealed the *As-Applied Order* to the Twin Falls County District Court (Appeal No. CV-2010-3403). Pursuant to the Supreme Court’s December 9, 2009 *Administrative Order*, each of these appeals has been reassigned to the SRBA District Court for further proceedings.

In addition to filing an appeal, IGWA and the City of Pocatello moved to have their appeals of the *Methodology Order* combined with their appeals of the *As-Applied Order*. Finally, IGWA and Pocatello have filed a *Motion to Renumber Appeals & to File Appeals in Gooding County Case No. CV-2008-551*. That motion seeks to have appeal nos. 2010-383, 2010-384 and 2010-388 all removed from the SRBA District Court, renumbered and refiled as part of the original appeal in *A&B, et al. v. IDWR* (Gooding County Case No. CV-2008-551). The Coalition intends to respond to these motions.

Currently, there are six separate appeals of the Interim Director’s Final Orders issued in late June 2010, motions to consolidate IGWA’s and Pocatello’s appeals of the *Methodology*


Order and As-Applied Order and a motion to move the *Methodology Order* appeals out of the SRBA Court and back to the Gooding County Court.

Based on the present procedural posture of the above appeals, the Coalition requests a status conference so that the Court and parties can discuss how the Court intends to proceed in these matters.

Presently, there is a status conference in the *A&B et al.* appeal set for August 6, 2010. The Coalition understands that that telephone status conference will be connected to the SRBA District Court. Furthermore, all the same parties to the above appeals will be participating in that status conference. Therefore, the Coalition would request a status conference to be set in the above appeals to immediately follow the August 6, 2010 status conference.

RESPECTFULLY SUBMITTED this 27th day of July, 2010.


CAPITOL LAW GROUP, PLLC



C. Tom Arkoosh

*Attorneys for American Falls Reservoir
District #2*

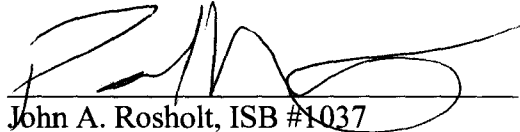
FLETCHER LAW OFFICE



W. Kent Fletcher

Attorneys for Minidoka Irrigation District

BARKER ROSHOLT & SIMPSON LLP



John A. Rosholt, ISB #1037
John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27TH day of July, 2010, I served true and correct copies of the foregoing upon the following by the method indicated:

Snake River Basin Adjudication
427 Shoshone Street N.
P.O. Box 126
Twin Falls, ID 83303

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Garrick Baxter
Chris Bromley
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
garrick.gaxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Randy Budge
Candice McHugh
P.O. Box 1391
Pocatello, Idaho 83204-1391

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Sarah Klahn
William A. Hillhouse II
Kelly Snodgrass
511 16th St., Suite 500
Denver, CO 80202

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Dean Tranmer
City of Pocatello
P.O. Box 4169
Pocatello, Idaho 83205

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Kathleen Carr
U.S. Dept. of Interior
960 Broadway Ste. 400
Boise, Idaho 83706

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Matt Howard
U.S. Bureau of Reclamation
1150 N. Curtis Road
Boise, Idaho 83706-1234

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Lyle Swank
IDWR
900 N .Skyline Dr.
Idaho Falls, Idaho 83402-6105

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Allen Merritt
Cindy Yenter
IDWR
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

William A. Parsons
Parsons, Smith & Stone, LLP
P.O. Box 910
Burley, ID 83318


U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

Michael C. Creamer
Jeffrey C. Fereday
601 W. Bannock
P.O. Box 2720
Boise, Idaho 83701-2720

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email

David W. Gehlert
Natural Resources Section
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, CO 80294

U.S. Mail, Postage Prepaid
 Hand Delivery
 Overnight Mail
 Facsimile
 Email


Travis L. Thompson