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Department of Water Resources

LAWRENCE G. WASDEN
ATTORNEY GENERAL

DAVID G. HIGH, ISB No. 1820
Chief of Civil Litigation

MICHAEL S. GILMORE, ISB No. 1625
Deputy Attorney General
Statehouse, Room 210
Boise, ID 83720
Telephone: (208) 334-4130
Telefax: (208) 334-2830
mike.gilmore@ag.idaho.gov
Attorneys for State Agency Ground Water Users
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ORIGINAL

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-02356A, 36-07210, AND 36-07427	) **STATE AGENCY GROUND WATER USERS' RESPONSE TO SCHEDULING ORDER**

The Idaho Department of Juvenile Corrections, the Idaho Department of Fish & Game, the Idaho Department of Health & Welfare, the Idaho Department of Lands, and the Idaho Transportation Department, who are called the State Agency Ground Water Users, by and through their counsel of record, Michael S. Gilmore, Deputy Attorney General, file this Response to Scheduling Order. This Response is based upon the following State Agency Water Users' water rights.

Affected Water Rights

(1) The Idaho Department of Lands, with lienholder Faulkner Land & Livestock Co., Inc., holds permitted ground water right No. 37-7372 for IRRIGATION and STOCKWATERING described in IDWR records as:

Priority date: 06/30/1999

Use: IRRIGATION right from March 15 through November 15 for 6.4 cfs and STOCKWATERING right from January 1 through December 31 for 0.14 cfs, for a total of 6.54 cfs.

Location of Use: T 7S R 15E Section 5 in Gooding County, as further described by quarter-quarter sections in the State Agency Water Users' earlier filings.

(2) The Idaho Transportation Department holds decreed ground water right No. 37-7457 described as follows:

Priority date: 10/01/1975

Use: DOMESTIC RIGHT from 01/01 through 12/31 for 0.05 CFS and 8.6 AFA for the Carey Maintenance Shed

Location of Use: T 1S R 21E Section 22 SWSE ¼¼ in Blaine County (no acreages listed).

(3) The Idaho Department of Lands and Sawtooth Sheep Co., Inc., hold decreed ground water right No. 37-8005D described in the decree and in IDWR's records as:

Priority date: 03/26/1982

Use: IRRIGATION right from 04/01 through 10/31 for 0.41 CFS and 124 AFY

Location of Use: Gooding County, Section 5, T 6S, R 15E, and in Section 6, T 6S, R 15E, as further described by quarter-quarter sections in the State Agency Water Users' earlier filings.

(4) The Idaho Transportation Department holds decreed ground water right No. 37-20852 described as follows:

Priority date: 09/20/1974

Use: IRRIGATION from 04/01 through 11/01 for 0.09 CFS and 18.8 AFA

Location of Use: No place of use listed.

Response to Scheduling Order Timelines

1. Issues to be raised:

(a) Are the irrigation and/or stockwatering rights listed as (1) and (3) subject to the Department's orders to curtail and/or mitigate, and, if so, are those water rights the beneficiaries of mitigation plans that will avoid curtailment?

(b) Is the domestic use right for a Department of Transportation maintenance shed listed as (2) above exempt from the Department's orders to curtail and/or mitigate, and, if not, is that water right the beneficiary of mitigation plans that will avoid curtailment?

(c) Is the irrigation right for the Department of Transportation listed as (4)

above exempt from the Department's orders to curtail and/or mitigate, and, if not, is that water right the beneficiary of mitigation plans that will avoid curtailment?

2. Proposed Schedule:

As a group with only four water rights so far identified, the SAGWU do not want to be the tail wagging the dog and will accept any schedule proposed by a consensus of the parties.

3. Proposed Dates and Estimate Time for Hearing:

The SAGWU will accept any dates and hearing times proposed by a consensus of the parties.

4. Using Evidence in Related Proceedings:

The SAGWU agree to allow the Department to use evidence in any of the three related Hagerman-Thousand Springs area calls.

5. Unnecessary Proof/Cumulative Evidence:

The SAGWU agree to allow the Department to simplify or streamline presentations.

6. Other Matters:

The SAGWU do not identify any other matters at this time.

DATED this 24th day of October, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Michael S. Gilmore
MICHAEL S. GILMORE
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24/13 day of October, 2005, I caused to be served a true and correct copy of the foregoing via U.S. Mail to:

Jeffrey C. Feredey
Michael C. Creamer
GIVENS PURSLEY LLP
601 Bannock Street, Suite 200
PO Box 2720
Boise, Idaho 83701-2729
(208) 388-1200
jcf@givenspursley.com
mcc@givenspursley.com

Daniel Steenson
Charles Honsinger
RINGER CLARK
PO Box 2773
Boise, Idaho 83701-2773
(208) 342-4647
dvs@ringertclark.com
clh@ringertclark.com

North Snake Ground Water District
152 E Main Street
Jerome, Idaho 8338
(208) 388-1300

Magic Valley Ground Water District
809 E 1000 North
Rupert, Idaho 83350-9537

Gregory Kaslo
BLUE LAKES TROUT FARM
PO Box 1237
Twin Falls, Idaho 83303-1237
(208) 733-0325
gkaslo@rmci.net

Allen Merritt & Cindy Yenter, Watermaster
WD 130—IDWR Southern Region
1341 Fillmore Street, Suit 200
Twin Falls, ID 83301-3380
(208) 736-3037
allen.merit@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

Scott Campbell
MOFFAT THOMAS
PO Box 829
Boise, ID 83701
(208) 385 5385
slc@moffatt.com

Josephine P. Beeman
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0954
jo.beeman@beemanlaw.com

Frank Erwin, Watermaster
Water District 36
2628 South 975 East
Hagerman, ID 8332

Sarah A. Klahn
WHITE & JANKOWSKI, LLP
511 16th St. Suite 500
Denver, Colorado 80202
Facsimile: (303) 825-5632
sarahk@white-jankowski.com

Michael S. Gilmore
Deputy Attorney General