



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

November 13, 2012

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
NOV 13 2012	
By _____	Clerk
_____	Deputy Clerk

Clerk of the District Court  
SRBA District Court  
253 3rd Ave. North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

RE: A & B Irrigation District v. IDWR, Case No. CV-2010-512

Dear Clerk:

The *Scheduling Order Following Idaho Supreme Court Remittitur* issued October 16, 2012, in case no. CV-2011-512, ordered the clerk of the Department to lodge the record with the Department no later than November 13, 2012. The record filed with the court on October 29, 2009, in related case CV-2009-647, is also the record in case CV 2011-512. The record in case CV-2009-647 was augmented and corrected as noted in the *Order Granting Motion to Augment and Correct the Agency Record* on February 26, 2010. Compact disks containing copies of the agency record and transcript, or augmentations and corrections to the agency record, were previously provided to the parties under case CV-2009-647.

Timely objections were also filed by IDWR and several parties to the clerk's record on case CV-2009-647. The *Order on Objection to Clerk's Record* issued on April 12, 2011, addressed further additions made to the clerk's record.

Specifically in case CV-2010-512, IDWR filed an *Unopposed Objection to Clerk's Record on Appeal* on October 17, 2011, requesting the *Petition for Reconsideration of Interim Director's April 27, 2011 Final Order on Remand/Request for Hearing* ("Petition for Reconsideration") be included in the record. IDWR is unclear at this time as to whether the request was addressed, and the administrative appeal summary report available on the court's website does not contain an entry regarding the filing.

Based on the filings, and as the Department understands it, the record should consist of the following:

- Compact disk filed on October 29, 2009 in CV-2009-647;

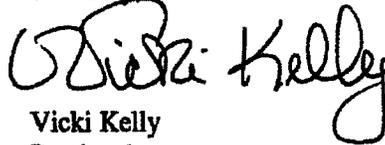
Natural Resources Division - Water Resources Section  
P.O. Box 83720 Boise, Idaho 83720-0088  
Telephone: (208) 287-4801, Legal FAX: (208) 287-6700

- *Petitioner A&B irrigation District's Opening Brief* dated December 31, 2009.
- *Petitioner A&B Irrigation District's Reply Brief* dated February 23, 2010.
- *A&B irrigation District's Response to IGWA's and Pocatello's Opening Briefs on Rehearing* dated August 25, 2010.
- *Respondents, Idaho Ground Water Appropriators' Response Brief* dated February 1, 2010.
- *Ground Water Users' Opening Brief on Rehearing* dated August 5, 2010.
- *Ground Water Users' Reply Brief on Rehearing* dated September 20, 2010.
- *IDWR Respondents' Brief on Rehearing* dated August 25, 2010.
- *IDWR Respondents' Brief* dated January 28, 2010.
- *IDWR's Amended Notice of Appeal* dated December 13, 2010.
- *Respondent City of Pocatello's Response Brief* dated January 29, 2010.
- *Respondent City of Pocatello's Petition for Rehearing* dated June 10, 2010.
- *Ground Water Users' Petition for Rehearing* dated June 10, 2010.
- *Respondent City of Pocatello's Brief in Support of Rehearing Dated June 29, 2010.*
- *Ground Water Users' Brief in Support of Rehearing* dated June 29, 2010.
- *Order Granting Petitions for Rehearing Notice of Hearing and Scheduling Petitions for Rehearing* dated July 7, 2010.
- *City of Pocatello's Opening Brief on Rehearing* dated January 4, 2010.
- *City of Pocatello's Reply Brief in Support of Rehearing* dated September 7, 2010.
- *Petition for Reconsideration of Interim Director's April 27, 2011 Final Order on Remand/Request for Hearing, dated May 11, 2011.*

IDWR will provide compact disks containing the agency's record to the parties once it receives confirmation that the record should contain the items noted above, or objections filed therein.

Thank you for your assistance in this matter. If you have any questions, please don't hesitate to contact me at (208) 287-4816.

Sincerely,



Vicki Kelly  
Paralegal

cc: John Simpson, Travis Thompson, Paul Arrington  
Randall Budge, Candice McHugh  
Sarah Klahn, Mitra Pemberton  
Jerry Rigby  
A. Dean Tranmer