

vs.)
)
 DAVID R. TUTHILL, JR., in his capacity as)
 Director of the Idaho Department of Water)
 Resources, and THE IDAHO DEPARTMENT OF)
 WATER RESOURCES,)
)
 IDAHO GROUND WATER APPROPRIATORS,)
 INC.; CITY OF POCA TELLO; and IDAHO)
 DAIRYMEN’S ASSOCIATION, INC.,)
)
 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 files this *Objection to Agency Record*, which was filed with this Court on January 7, 2009, pursuant to Civil Rule 84(j). The Coalition further joins in *IGWA’s Objection to the Agency Record*, filed on January 20, 2009, with respect to the documents missing from the record listed on pages 2-7, and the listed exhibits not in the record for the Coalition and Reclamation. In addition, the following documents are missing from the record:

1. Affidavit of Dan Temple, dated April 11, 2005

2. Initial Disclosures of Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, dated August 4, 2005
3. First Supplemental Initial Disclosure, dated August 19, 2005
4. Notice of Service of Milner Irrigation District, NSCC, & TFCC's Responses to IGWA/Pocatello First Set of Production Requests, dated August 24, 2005
5. Reclamation's Response to IGWA, Pocatello & State Agency GW User's Joint Written Request to Depose IDWR's Employees, dated August 25, 2005
6. Order Amending Scheduling Order of July 22, 2005, dated September 1, 2005
7. IDWR Response to Information Request from HDR Engineering, Inc., dated September 12, 2005
8. Affidavit of John S. Koreny, dated October 27, 2005
9. Agreement (AFRD#2, TFCC, MID, NSCC, Minidoka Irr. Dist., A&B and Burley Irr. Dist., IGWA & City of Pocatello), dated January 11, 2006
10. Reply Memo in Support of Motion in Limine, dated May, 12, 2006
11. Interim Order Suspending Hearing Schedule, dated June 30, 2006
12. Mitigation Agreement, dated April 13 2007
13. WMC Mitigation Agreement, dated April 13, 2007
14. Letter to the Director regarding IGWA's Amended Joint Replacement Plan for 2007, dated May 17, 2007
15. Letter from the Director Regarding WMC Mitigation Agreement, dated June 1, 2007
16. Notice of Status Conference (9/24/07 @ 10am), dated September 6, 2007
17. Affidavit of Dennis R. McGrane, dated September 12, 2007

18. Notice of Status Conference, dated September 19, 2007
19. SWC Notice of Filing of Expert Report, Testimony and Exhibit List, dated September 21, 2007
20. SWC's Supplemental Response to Pocatello's Renewed Motion to Compel, dated September 28, 2007
21. Notice of Service of Errata Sheets for SWC's Expert Report, dated October 2, 2007
22. Status Conference Minutes, dated December 12, 2007
23. Seventh Supplemental Order Amending Replacement Water Requirements, dated December 20, 2007
24. Reclamation's Response to Pocatello's and IGWA's Motion for Summary Judgment and Motion in Limine, dated December 21, 2007
25. Order Granting Request for Extension of Time, dated January 8, 2008

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Respectfully submitted this 21st day of January, 2009.

CAPITOL LAW GROUP, PLLC

FLETCHER LAW OFFICE


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North Side Canal Company, Twin Falls Canal
Company*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January, 2009, I served true and correct copies of the *Coalition's Objection to Agency Record* upon the following by the method indicated:

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