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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase 63-00367
	)
Case No. 39576	) ORDER REQUESTING CASE
	) MANAGEMENT REPORT FROM IDWR
	)
	) ORDER SETTING STATUS
	) CONFERENCE

The above-captioned water right is claimed by the United States of America, Department of Interior, Bureau of Reclamation (BOR) for 1,500 cfs of water, with a June 16, 1909 priority date, from the Boise River for the purpose of generating hydroelectric power. The claim was reported by the Idaho Department of Water Resources (IDWR) with the following remark included under the priority date element:

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

The BOR timely filed an objection to the *Director's Report*, which included an objection to the inclusion of the above-quoted remark. The State of Idaho has filed a response to the objection. An initial hearing on the objection was held on March 19, 2007. At the initial hearing, the participants stated that there are other water right claims made in the Snake River Basin Adjudication wherein a similar or identical issue will be presented. In particular, the participants stated that an identical issue will arise with respect to the BOR's Minidoka Dam hydropower right claims (subcase nos. 01-00217 and 01-00218), which were reported by IDWR in the *Director's Report* for Basin 01, Part

2, with an objection period which expires April 20, 2007. The *Director's Reports* for the Minidoka Dam rights contain the exact same language as is quoted above

For purposes judicial economy, case management, and possible consolidation of issues under *Administrative Order 1* § 11, IDWR is requested to prepare a report which identifies water right claims in which an unresolved issue relating to the subordination of hydropower rights has either been raised or is likely to be raised within the applicable objection period. The deadline for submittal of this report is **June 29, 2007**.

A status conference will be held in the above-captioned subcase on **July 10, 2007 at 9:30 AM Mountain Time at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing **225-383-1099** and when prompted entering code **675342**.

Dated March 29, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUESTING CASE MANAGEMENT REPORT FROM IDWR ORDER SETTING STATUS CONFERENCE was mailed on March 29, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
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