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

2007 JUN 20 AM 11 01

**CASE MANAGEMENT REPORT RE
HYDROPOWER SUBORDINATION REMARK**

Subcase No. 63-367

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

June 18, 2007

DESCRIPTIVE SUMMARY

This is a specialized Case Management Report submitted by the Director of the Idaho Department of Water Resources to identify claims with a hydropower subordination remark in the water right recommendation.

DISCUSSION

Pursuant to the *Order Requesting Case Management Report from IDWR* (“Order”) issued by Special Master Booth on or about March 29, 2007 as a result of proceedings in subcase number 63-367, the Director submits the following information to assist the special master in identifying similar issues in multiple basins.

The following water right recommendations have the remark specified below in the priority date element:

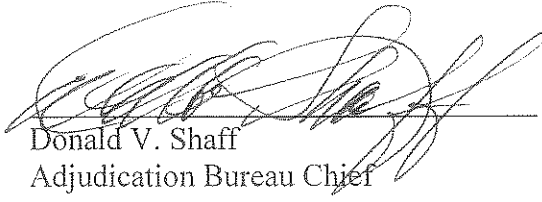
“The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against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

Further, the rights identified below comply with the Special Master’s *Order* in that the issue of the remark has been raised within the objection time period. There are other water right recommendations, not listed herein, which contain the subordination remark. They are not identified in this report since they have either been partially decreed or remain uncontested.

Water Right No.	Basis of Claim	Claimant Name
01-217	Decreed	USDI-BOR
01-218	Decreed	USDI-BOR
01-2064	License	USDI-BOR
01-2068	License	USDI-BOR
01-4024	Beneficial Use	USDI-BOR
01-4025	Beneficial Use	USDI-BOR
01-4054	Beneficial Use	USDI-BOR
37-4147 ¹	Beneficial Use	Aldrich Bowler

¹ Peter Bowler, Trustee, for the Aldrich Bowler Living Trust is the objector. This subcase is set for a three-day trial commencing on December 12, 2007 before Special Master Bilyeu.

Respectfully submitted this 10th day of June, 2007.



Donald V. Shaff
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on June 19, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

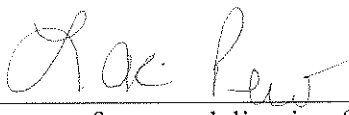
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

USDI-BOR
1150 N Curtis Road, Suite 100
Boise, ID 83706-1234

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449



Signature of person delivering form