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DEPARTMENT OF
WATER RESOURCES

2007 JUL 25 AM 11:21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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) Subcases 45-12127 (45-12127A, 45-12127B
Case No. 39576) and
) 45-12127C), 45-12218, 45-12243 and 45-
) 12280
) (USDA / FS)
)
) ORDER SETTING DEADLINE
) FOR SUGGESTIONS

On July 25, 2007, the Special Master entered a ***DRAFT ORDER GRANTING MOTION TO WITHDRAW MOTION TO FILE LATE OBJECTIONS and AMENDED SPECIAL MASTER REPORT AND RECOMMENDATION*** in the above subcases pursuant to I.R.C.P. 53(e)(5). However, there remain certain questions concerning 1) the priority dates (do they comport with the parties' August 29, 2002 *Stipulation*), 2) the accuracy of a remark under "Other Provisions" which begins, "The operation, use and administration of this water right" and 3) whether subcase 45-12838 should be included with the above subcases.

THEREFORE IT IS ORDERED that the parties shall submit to the SRBA Court any suggestions they may have in writing concerning the *Draft Order* no later than **Friday, August 10, 2007.**

DATED July 25, 2007.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING DEADLINE FOR SUGGESTIONS was mailed on July 25, 2007, with sufficient first-class postage to the following:

JOE TUGAW

Represented by:
NORMAN M SEMANKO
IDAHO WATER USERS ASSOCIATION
1010 W JEFFERSON ST, STE 101
BOISE, ID 83702
Phone: 208-344-6690

UNITED STATES OF AMERICA
USDA FOREST SERVICE

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Travis Thompson
PO Box 485
Twin Falls, ID 83303-0485

Terry Dolan

From: Negri, David (ENRD) [David.Negri@usdoj.gov]
Sent: Thursday, May 17, 2007 3:08 PM
To: Terry Dolan
Cc: tlt@idahowaters.com; sspencer@fs.fed.us; Spencer, Nick
Subject: Decree Language

Special Master Dolan --

Courtesy of Steve Spencer, below is the language we would like added to the six federal water right decrees listed. All six were previously the subject of a report and recommendation, which was then stayed by the Court. Please add the "used in conjunction" clause immediately after the quantity listed in the decrees, and add the clause referencing the stockwater stipulation to the "other provisions necessary for definition/administration of this water right" section. Please let me know if you have any questions or concerns.

Travis and Nick -- please weigh in if you think we missed something.

Thanks to all for moving these along.

David Negri
US Department of Justice
Environment & Natural Resources Division c/o US Attorney's Office, District of Idaho
Washington Group Plaza IV 800 Park Boulevard, Suite 600 Boise, ID 83712-9903
Telephone: 208-334-1936
Facsimile: 208-334-1414
david.negri@usdoj.gov

cc. Travis Thompson, Nick Spencer, Steve Spencer

-----Original Message-----

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Thursday, May 17, 2007 2:10 PM
To: Negri, David (ENRD)
Subject: Stipulation Language

45-12127A *Quantity*
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-13655 AND IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL
COMBINED
QUANTITY OF 13,000 GALLONS PER DAY.

Other provisions
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS
ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION
FOR
ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE
UNITED STATES OF AMERICA AND PICKETT RANCH AND SHEEP COMPANY FILED IN
THE
OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS
INSTRUMENT NO: 289179.

45-12127B

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-13655 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND PICKETT RANCH AND SHEEP COMPANY FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

45-12127C

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-13655 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND PICKETT RANCH AND SHEEP COMPANY FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

45-12218

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12903 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND JOE TUGAW FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

45-12243

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12904 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND JOE TUGAW FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

45-12280

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12899 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL

COMBINED
QUANTITY OF 13,000 GALLONS PER DAY.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS
ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION
FOR
ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE
UNITED STATES OF AMERICA AND JOE TUGAW FILED IN THE OFFICE OF THE CASSIA
COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

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