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FEB 17 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 13 2011	
By _____	Clerk
_____	Deputy Clerk

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 00-92002GP, 02-200,
	)	02-201, 02-223 and 02-224
Case No. 39576	)	
	)	RECOMMENDATION TO PARTIALLY
_____	)	AMEND ORDER OF REFERENCE

On November 30, 2010, the Ground Water Districts filed their *Motion Requesting Special Master's Recommendation to Presiding Judge* seeking a recommendation that referral of subcase 00-92002GP to the Special Master be revoked so that the Presiding Judge will consider the matter along with subcase 00-91013. The *Motion* stated such action "would be a proper way to resolve the issues and provide for an orderly manner in which to handle these subcases." The Districts also requested that subcases 02-200, 02-201, 02-223 and 02-224 remain with the Special Master.

Only Jeff and Jackie Harper, Basin and Range Resource Company, LLC and Interested Water Users filed a *Response* suggesting the proposed recommendation submitted by the Districts "should be modified to clarify that the Presiding Judge also retain jurisdiction to decide issues involving Subcase Nos. 2-200, 2-201, 2-223 and 2-224 in Subcase No. 00-91013 (91-13)."

A hearing on the *Motion* was held on January 6, 2011. Candice McHugh appeared for the Ground Water Districts; Josephine P. Beeman and Jane M. Newby appeared for the City of Pocatello; Michael C. Orr appeared for the State of Idaho; David W. Gehlert appeared for the United States; and Andrea L. Courtney appeared for IDWR. No one opposed the *Motion*.

THEREFORE, IT IS RECOMMENDED that SRBA Presiding Judge Eric J. Wildman partially amend the June 4, 2007, *Order of Reference Appointing Terrence A. Dolan as Special*

Master for Irrigation and Other Claims in IDWR Administrative Basins 02, 03, 47, 73 and 75
by deletion there from referral of subcase 00-92002GP, but with subcases 02-200, 02-201, 02-223 and 02-224 to remain before Special Master Dolan.

DATED February 16, 2011.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the RECOMMENDATION TO PARTIALLY AMEND ORDER OF REFERENCE was mailed on February 16, 2011, with sufficient first-class postage to the following:

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ABERDEEN AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
BONNEVILLE-JEFFERSON GROUND
CLARK JEFFERSON GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER
NORTH SNAKE GROUND WATER

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BONNEVILLE-JEFFERSON GROUND
CLARK JEFFERSON GROUND WATER
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FREMONT MADISON GROUND WATER
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RECOMMENDATION

(Certificate of mailing continued)

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

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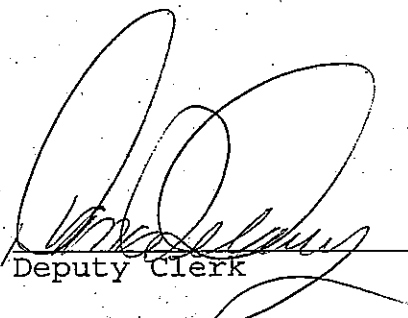
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BASIN 02 -- GENERAL
PROVISIONS

RECOMMENDATION

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Deputy Clerk