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**DEPARTMENT OF
WATER RESOURCES**

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 23 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

Case No. 39576

**Subcase Nos. 91-13, 00-92002GP, 02-200,
02-201, 02-223 and 02-224**

**ORDER COMBINING 00-92002GP
ISSUE RELATING TO SWAN FALLS
SETTLEMENT WITH 91-13
AND SUPPLEMENTAL ORDER OF
REFERENCE APPOINTING
TERRANCE A. DOLAN**

Objections and responses were filed to the general provision recommendations for Basin 02, including the request for an additional general provision and a recommendation for general provision No. 4 regarding flows at Milner Dam. The issues were then designated as subcase 00-92002GP.

The Ground Water Districts requested an additional general provision in Basin 02 as follows:

For the purposes of administering all water rights above the Murphy Gage, a general provision is required to implement the comprehensive management plan established by the Swan Falls Settlement as reflected in the 1986 State Water Plan adopted by the Idaho Water Resource Board ("IWRB") and approved by the legislature.

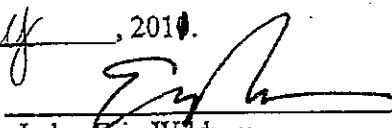
The above general provision deals specifically with the Swan Falls Settlement which is the subject matter of 91-13.

The Ground Water Districts filed a *Request for Special Master's Recommendation to Presiding Judge* ("Motion") setting forth their desire to have the presiding judge consider the issues relating to the Ground Water Districts' proposal for a general provision with matters pending subcase 00-910013 ("91-13"). The Special Master submitted his Special Master's Recommendation to Presiding Judge as requested in the Motion. Having considered the filings in the above-listed subcases and the *Special Master's Recommendation to Presiding Judge* and good cause appearing therefore, the following is hereby ORDERED:

The Ground Water Districts' proposal for a general provision shall be combined with 91-13 and proceed accordingly.

Issues regarding the flows at Milner Dam remain with the Special Master as well as issues involved in subcase nos. 2-201, 2-223 and 2-224. Consideration of issues relating to the flows at Milner Dam and subcase nos. 2-200, 2-201, 2-223 and 2-224 may require the Special Master to consider issues outside Basin 02, accordingly, this *Supplemental Order of Reference* confers the authority to Special Master Dolan to preside over matters if any outside of Basin 02 that may arise out of the consideration of subcase nos. 2-200, 2-201, 2-223 and 2-224.

SO ORDERED this 23rd day of February, 2010.



Judge Eric Wildman

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER COMBINING 00-92002GP
ISSUE RELATING TO SWAN FALLS SETTLEMENT WITH 00-91013 AND
SUPPLEMENTAL ORDER OF REFERENCE APPOINTING TERRENCE A. DOLAN**
were mailed on February 23, 2011, by first-class mail to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

State of Idaho
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

U.S. Department of Justice
Environmental & Natural Resources
550 W Fort St MSC 033
Boise, ID 83724

Idaho Power Company
Represented by:
Adam T. DeVoe
BROWNSHEIN HYATT
410 17th Street, Ste. 2200
Denver, CO 90202

North Side Canal Company
Twin Falls Canal Company
Represented by:
Travis L. Thompson
PO Box 485
Twin Falls, ID 83301

North Snake Ground Water Dist.
Faulkner Land & Livestock Co.
Represented by:
Thomas J. Budge
PO Box 1391
Pocatello, ID 83204-1391

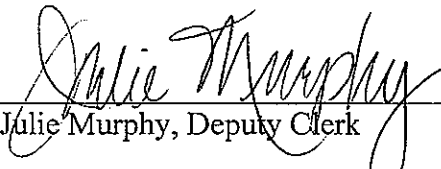
Idaho Power Company
Clear Springs Foods Inc.
Represented by:
John K. Simpson
PO Box 2139
Boise, ID 83701-2139

Aberdeen American Falls Ground
Water District, *et al.*
Represented by:
Randall Budge
Candice McHugh
101 S Capitol Blvd. Ste. 208
Boise, ID 83702

City of Pocatello
Represented by:
Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702

Egin Bench Canals Inc., *et al.*
Represented by:
Jerry R. Rigby
PO Box 250
Rexburg, ID 83440-0250

Basin & Range Resource Co. LLC
Interested Water Users
Jeff C. & Jackie Harper
Represented by:
Dana L. Hofstetter
608 W. Franklin St.
Boise, ID 83702


Julie Murphy, Deputy Clerk