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JAN 09 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 06 2012	
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	)	JOINT ORDER SETTING DEADLINES
	)	AND STATUS CONFERENCE
	)	
	)	SUBCASE NO.: 00-92020
_____	)	

On December 7, 2011, a status conference was held in consolidated subcase 00-92020. IDWR and the parties reported on progress on the subcases which previously raised legal issues relating to theories of recharge or recovered water.

The Idaho Department of Water Resources reported on its review of the *Director's Reports* to determine whether they contained any omissions from prior decrees, licenses, or transfers. The First Round Review confirmed that 64 subcases had no omissions, and required no changes to the *Director's Reports*. (Exhibit 1) The First Round Review found 55 subcases which required changes. (Exhibit 2)

The Second Round Review was reported at the Status Conference on December 7, 2011. IDWR reported that 20 subcases had no omissions and required no changes to the *Director's Report*. All parties agreed on the record that the 20 subcases should go forward to *Master's Reports* as recommended by IDWR. The list of 20 "no change" subcases is attached as Exhibit 3.

The Second Round Review confirmed that 60 subcases required changes. IDWR confirmed that it had circulated to the parties the proposed changes to the elements of the 60 subcases. All parties agreed on the record to the elements of the 60 subcases. Counsel Jerry Rigby explained that his clients were still finalizing their review of the shape files for the places of use. Mr. Rigby anticipated ongoing issues with approximately (15) subcases from the Second Round Review. However, the court now understands that Mr. Rigby has no issues with the 60 subcases requiring changes from the second round.

All parties agreed that the 60 subcases should go forward to *Master's Report* as recommended by IDWR. The list of 60 "changed" subcases is attached as Exhibit 4. IDWR

informed the Court that five (5) of these subcases (21-34, 21-60B, 22-673, 22-13165, 22-13412) will be held back because they overlap with remaining rights. Counsel David Negri indicated the United States will carefully review place of use descriptions as documents are finalized.

The Third Round Review is ongoing. IDWR identified the 56 remaining subcases attached as Exhibit 5. IDWR has completed its review of part of that list.

IDWR will continue to review the remaining subcases to determine whether changes are needed to the *Director's Reports*. IDWR will share its subcase lists with the parties. Where there are proposed changes to the *Director's Reports*, IDWR will circulate those proposed changes to the parties.

IDWR expected to complete its review of all subcases by December 30, 2011. IDWR will provide subcase lists to the parties and will report to the court at a status conference on January 25, 2011. The Court sets the following deadlines:

1. Status Conference to be held on **January 25, 2011 at 9:30 am**.
2. All parties shall report on the record on the Third Round Review of the 56 subcases.
3. The 6 subcases previously identified as having ongoing issues will be scheduled for a Status/Scheduling Conference on January 25, 2011. (Exhibit 6). Any remaining issues will be set for Trial.
4. All identified unresolved subcases will be set for Trial.

Parties may participate in the Status Conference by telephone by dialing 1-215-446-0193 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the Clerk's office at (208)736-3011.

Dated: January 6, 2012.



Terrence A. Dolan
Special Master
Snake River Basin Adjudication



Brigitte Bilyeu
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the JOINT ORDER SETTING DEADLINES AND STATUS CONFERENCE was mailed on January 06, 2012, with sufficient first-class postage to the following:

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

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AMERICAN FALLS RESERVOIR

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EGIN BENCH CANALS INC ET AL

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LEHMAN FARMS

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

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A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
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USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:
W KENT FLETCHER
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BURLEY, ID 83318
Phone: 208-678-3250

JOINT ORDER SEPERATING AND
CONSOLIDATING COMMON ISSUES

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EXHIBIT 1

Subcase Nos:

01-00002A 22-07174
01-00052A 22-07204
01-00052B 22-07236
01-00053A 22-07259
01-00092A 22-07269
01-00092B 22-07324
01-00116BB 22-07326
01-00131A 22-07593
01-00132A 22-10170
01-00133A 22-11003
01-00146A 22-11004
01-00147 22-13522
01-00148 27-07260
01-00157A 35-02670D
01-00157B
01-00158B
01-00193A
01-00232
01-00247
01-00259
01-00261
01-00263
01-00264
01-00266
01-00306
01-00324
01-04061
01-10046
01-10048
01-10049
01-10050
01-10057
01-10060
01-10062
01-10091
01-10092
01-10471
01-10472
01-10474
01-10476
21-02118
21-07007
21-07027
21-07170
21-10463
21-12934
22-02171
22-02200
22-02303B
22-07022

(Subcase list: 64NOCHANGE)
1/05/12

EXHIBIT 2

Subcase Nos:

21-02103 35-02670C
21-02119
21-02121
21-02122
21-02129
21-04114
21-07024
21-07033
21-07046
21-07049
21-07050
21-07060
21-07089
21-07138
21-07173
21-07175
21-07194
21-07300A
21-07564
21-10286
21-10527
21-10890
21-10892
21-10930
21-12858
21-12952
21-12957
21-13018
21-13019
22-00205
22-00235
22-00344
22-00354
22-00421
22-00422
22-00476
22-00477
22-00591
22-00592
22-00593
22-02226
22-07015
22-07198
22-07440
22-07672
22-10775
22-11259
22-11260
22-13506
35-02670B

(Subcase list: 51CHANGE)
1/05/12

EXHIBIT 3

Subcase Nos:

21-07152
21-11088
22-02147
22-07032
22-07035
22-07190
22-07207B
22-07287
22-12656
22-13592
27-00022A
27-00022B
27-00022D
27-00035A
27-00035B
27-00035D
27-02125A
27-07089
27-07093
27-07315

EXHIBIT 4

Subcase Nos:

<u>HOLD</u>	<u>21-00034</u>	22-13475
<u>HOLD</u>	<u>21-00060B</u>	22-13480
	21-00109C	22-14011
	21-00141	22-14012
	21-00159	22-14013
	21-00165	27-07005
	21-02000	27-07095
	21-02035	27-07098
	21-02037	27-07306
	21-12896	27-07561
	21-12908	
	21-12910	
	21-12912	
	21-12921	
	21-12961	
	22-00469	
	22-00492	
	22-00537C	
	22-00538C	
	22-00656	
<u>HOLD</u>	<u>22-00673</u>	
	22-02131	
	22-02180	
	22-02192	
	22-02222	
	22-02287	
	22-02294	
	22-07057	
	22-07225	
	22-11027	
	22-11044	
	22-11070	
	22-11185	
	22-12647	
	22-13164	
<u>HOLD</u>	<u>22-13165</u>	
	22-13342	
	22-13343	
	22-13344	
	22-13347	
	22-13349	
<u>HOLD</u>	<u>22-13412</u>	
	22-13461	
	22-13466	
	22-13467	
	22-13468	
	22-13469	
	22-13470	
	22-13471	
	22-13472	

(Subcase list: 60CHANGE)

1/06/12

EXHIBIT 5

Subcase Nos:

01-00001J 22-12520
01-00047E 22-12655
01-00048 22-13388
01-00141 22-13738
01-00146B 27-02126
01-00193B 27-07065
01-00260
01-00298
01-00304
01-10475
01-10477
21-00048
21-00049
21-00073B
21-00073D
21-00073F
21-00073J
21-00075
21-00148
21-02154
21-02161
21-10944
21-12902
21-12909
21-12911
21-12919
21-12923
21-12946
21-12954
21-12955
22-00163A
22-00195
22-00196
22-00207A
22-00207B
22-00454
22-00455
22-00456
22-00457
22-00512
22-00513
22-00514
22-00549
22-00658
22-00659
22-00660
22-07276
22-10904
22-10906
22-11329

(Subcase list: 56ROUND3)
1/06/12

EXHIBIT 6

Subcase Nos:

21-07104
21-10921
21-12358
21-12889
22-13505
22-13506

(Subcase list: RECISSUES)
1/05/12