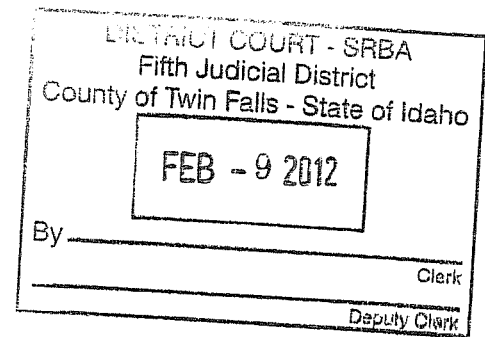


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FEB 10 2012

DEPARTMENT OF
WATER RESOURCES



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	)	Subcase 01-2064
	)	(USDI / BOR)
	)	(American Falls Reservoir Hydropower Storage)
Case No. 39576	)	
	)	ORDER GRANTING STATE'S MOTION
	)	TO ALTER OR AMEND

On January 25, 2012, the State of Idaho filed its *Motion to Alter or Amend* the January 20, 2012 *Partial Special Master Report and Recommendation*. In that *Report*, the Special Master recommended that "when all issues concerning water right 01-2064 are finally determined by the SRBA Court, the partial decree include all remarks recommended by the IDWR Director in his December 19, 2006 *Director's Report, Reporting Area Basin 01, IDWR Part 2.*" *Report*, at 5-6. In 2006, the Director recommended the following "purpose and period of use" element:

<u>Purpose Of Use</u>	<u>Period Of Use</u>	<u>Quantity</u>
Irrigation Storage	01/01 12/31	1,628,316.00 AFY
Irrigation From Storage	03/15 11/15	1,628,316.00 AFY
Power Storage	01/01 12/31	295,163.00 AFY
Power From Storage	01/01 12/31	295,163.00 AFY

The diversion and release of storage for power purposes under this water right is subject to those conditions contained in contract nos. Ilr-733 and Ilr-801 between the United States Bureau of Reclamation and Idaho Power Company.

In place of the above recommended "purpose and period of use" element, the State requested the recommended the following "purpose and period of use" element:

<u>Purpose Of Use</u>	<u>Period Of Use</u>	<u>Quantity</u>
Irrigation Storage	01/01 12/31	1,628,316.00 AFY
Irrigation From Storage	03/15 11/15	1,628,316.00 AFY
Power Storage	01/01 12/31	45,000.00 AFY
Power From Storage	01/01 12/31	45,000.00 AFY

Storage for power under this right is 2.65% of the active storage capacity of the reservoir, which is approximately 45,000 acre-feet.

On February 6, 2012, the United States of America, Department of Interior, Bureau of Reclamation filed its *Concurrence with the State of Idaho's Motion to Alter or Amend* suggesting the exact percentage in the contract (2.6471%) be used instead of the rounded figure.

A hearing on the State's *Motion* was held on February 9, 2012. Shasta Kilminster-Hadley appeared for the State; David G. Scott appeared for Idaho Power; David W. Gehlert and David L. Negri appeared for the USDI / BOR & BLM; and Robert H. Wood appeared for the Upper Valley American Falls Spaceholders. No one appeared for IDWR. There was no opposition to the State's *Motion* or the United States' suggested amendment.

Order

THEREFORE, IT IS ORDERED that the State's *Motion* is **granted**. When all issues concerning water right 01-2064 are finally determined by the SRBA Court, it is recommended that the purpose and period of use element be as requested by the State and as amended at the United States' suggestion:

<u>Purpose Of Use</u>	<u>Period Of Use</u>	<u>Quantity</u>
Irrigation Storage	01/01 12/31	1,628,316.00 AFY
Irrigation From Storage	03/15 11/15	1,628,316.00 AFY
Power Storage	01/01 12/31	45,000.00 AFY
Power From Storage	01/01 12/31	45,000.00 AFY

Storage for power under this right is 2.6471% of the active storage capacity of the reservoir, which is approximately 45,000 acre-feet.

DATED February 9, 2012.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING STATE'S MOTION TO ALTER OR AMEND was mailed on February 09, 2012, with sufficient first-class postage to the following:

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ABERDEEN-AMERICAN FALLS
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AMERICAN FALLS SPACEHOLDERS
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BINGHAM GROUND WATTER DISTRICT
BONNEVILLE JEFFERSON GROUND
BONNEVILLE-JEFFERSON GROUND
JEFFERSON CLARK GROUND WATER
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ORDER

(Certificate of mailing continued)

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