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APR 10 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 09 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	)	
	)	FINAL ORDER ON
Case No. 39576	)	CONSOLIDATED SUBCASE
	)	
	)	SUBCASE NO.: 00-92020
_____	)	

I. PROCEDURAL BACKGROUND

This consolidated subcase was assigned by the court in order to manage the subcases which involved issues of recharge and recaptured water. These issues arose when multiple claimants including Egin Bench Canals Inc. and others amended their claims to include these issues. After the court and parties held many hearings on these issues, the parties reported that the *Memorandum Decision and Order on Challenge* (Subcase nos. 01-23B et.al.) (Aberdeen-Springfield Canal Co.) (April 4, 2011) resolved the recharge and recovered water issues raised in this consolidated subcase. Egin Bench Canals Inc. and the other claimants withdrew their Amended Claims. Therefore, the claimants withdrew the recovered water and recharge component of the claims and went back to the original claims. However, IDWR reported that it needed to review its *Director's Reports* due to technical flaws it had discovered.

Various deadlines were set, and IDWR investigated the subcases in batches or rounds. Round 1 included 64 subcases with no changes and 55 subcases with changes. Round 2 included 20 subcases with no changes, and 60 subcases with changes. A group of five subcases from Round 2 was held back in this round because it was determined that overlap issues required these to be reviewed again.

Round 3 had four (4) subcases with no change and 30 subcases with changes. Round 3 included 11 subcases from Basin 01 which were then set separately with Special Master Terry

Dolan and removed from this consolidated subcase.

Round 4 included the 11 remaining subcases. The five (5) subcases previously held back in Round 2 were added back to this group for a total of 16 subcases.

During the time that IDWR was investigating and reporting on these subcases, the Court issued *Special Master's Reports* on most subcases in Round 1 and Round 2. The Court will now issue *Special Master's Reports* for subcases in Round 3 and any subcases which are remaining. As of the date of this *Order*, 11 subcases have been identified for trial, and the 16 subcases from Round 4 have been added to that trial schedule.

II. FINAL HEARING

On April 4, 2012, a status conference was held. IDWR and the parties reported on additional progress since the last hearing. IDWR recalled that Round 3 included 30 subcases requiring changes. All parties agreed on the record to the elements of the 30 subcases. However, the United States BLM needed additional time to review the digital boundaries for 13 subcases. At the hearing on April 4, 2012, the BLM reported that its questions of digital boundaries had been resolved. IDWR agreed to submit updated digital boundary CDs and maps. (Exhibit 1) All parties agreed that the 13 subcases from Round 3 should go forward to *Master's Reports* as recommended by IDWR.

In Round 4 Review, IDWR reported that 16 subcases required changes. IDWR reported that proposed *Amended Director's Reports* were sent to the parties on March 27, 2012. (Exhibit 2) The parties requested additional time to review these changes. The Court agreed to provide additional time, but set the remaining 16 subcases for trial on September 5, 2012 concurrent with the trial for 11 subcases previously set.

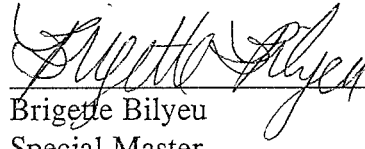
The Court sets the following deadlines in the 16 subcases in the Fourth Round Review:

1. Prior to May 11, 2012 Informal Settlement Conference
- May 16, 2012 1:30 pm Status Conference
- June 20, 2012 9:30 am Additional Status Conference
- August 15, 2012 10:00 am Pretrial Conference
- September 5-7, 2012 10:00 am Trial (3 days)
2. *Amended Director's Reports* will be filed with the Court for any unresolved subcases by May 25, 2012. *Objections* are due June 22, 2012. *Responses* are due July 13, 2012.

III. CONSOLIDATED SUBCASE COMPLETED

The Claimants have withdrawn their *Amended Claims* relating to recharge and recovered water. In addition, IDWR has completed its review of corrections to all of the related subcases. Finally, the parties all agreed to the elements of each subcase for Round 1, Round 2, and Round 3 except for the 11 identified for trial. The Court has issued *Special Master's Reports* on many of these subcases and will process the remaining subcases which are resolved. That leaves the group of 11 subcases previously identified, and the 16 subcases from Round 4 to resolve. These subcases are all scheduled for trial and for further hearings. The subcases and all issues shall proceed on a trial track under each subcase number. Since all issues relating to theories of recharge or recovered water have been resolved, and since consolidated case management is no longer required for these subcases, this consolidated subcase 00-92020 is **closed**.

Dated: April 9, 2012.



Brigitte Bilyeu
Special Master
Snake River Basin Adjudication

EXHIBIT 1

Subcase Nos:

21-00048
21-00049
21-00073B
21-00073D
21-00073F
21-00073J
21-00075
21-02154
21-02161
21-10944
21-12946
22-00660
22-11329

EXHIBIT 2

Subcase Nos:

21-00034
21-00060B
21-12902
21-12911
21-12919
21-12954
21-12955
22-00512
22-00513
22-00514
22-00549
22-00673
22-12655
22-13165
22-13388
22-13412

(Subcase list: 16ROUND4)
4/06/12

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER ON CONSOLIDATED SUBCASE was mailed on April 09, 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

Represented by:
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Phone: 208-395-0011

AMERICAN FALLS RESERVOIR

Represented by:
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PO BOX 176
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Phone: 208-934-4429

EGIN BENCH CANALS INC ET AL

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

JAMES & KAREN LEHMAN
LEHMAN FARMS

Represented by:
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BOISE, ID 83702
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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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Phone: 208-232-6101

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

Represented by:
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TWIN FALLS, ID 83303-0485
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USDI BUREAU OF RECLAMATION

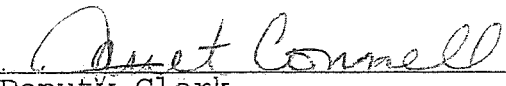
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:
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Phone: 208-678-3250

JOINT ORDER SEPERATING AND
CONSOLIDATING COMMON ISSUES

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


Deputy Clerk