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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 14 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

	)	Subcases:
	)	01-2064, et al. (American Falls Reservoir)
	)	and
In Re SRBA	)	01-2068, et al. (Palisades Reservoir)
	)	(see list of subcases attached)
	)	
Case No. 39576	)	AMENDED ORDER GRANTING UNITED
	)	STATES' MOTION, CERTIFICATION, AND
	)	PARTIAL SPECIAL MASTER REPORT AND
_____	)	RECOMMENDATION

On August 21, 2012, the Special Master entered an ***Order Granting United State's Motion, Certification, and Partial Special Master Report and Recommendation*** in the above subcases. Besides granting the United States' *Motion for Issuance of Special Master's Recommendation on Refill Issue*, the ***Order*** included the following conclusions of law:

1. No refill remark is necessary to define and/or efficiently administer the American Falls and Palisades Reservoir irrigation storage rights;
2. When the American Falls and Palisades Reservoir irrigation storage rights are partially decreed, such partial decrees should **not** include refill remarks; and
- [3]. There is no just reason for delay for submission of that determination to the Presiding Judge.

The ***Order*** recalled the central conclusion of law made earlier in the Special Master's July 27, 2012 ***Order on Motions for Partial Summary Judgment*** – that the State's proposed refill remark is not necessary to define and/or efficiently administer the American Falls and Palisades Reservoir irrigation storage rights.

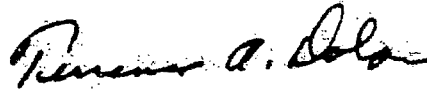
Upon reconsideration, it is clear the August 21, 2012 ***Order*** went well beyond the Special Master's intent of merely re-stating the central conclusion of law from the July 27, 2012 ***Order***.

Specifically, the Special Master did not intend to hold that *no* refill is necessary to define and/or efficiently administer the rights, only that the State's proposed refill remark is not necessary.

THEREFORE, IT IS ORDERED that the conclusions of law stated in the Special Master's August 21, 2012 *Order Granting United State's Motion, Certification, and Partial Special Master Report and Recommendation* are amended to read as follows:

1. The State's proposed refill remark is **not** necessary to define and/or efficiently administer the American Falls and Palisades Reservoir irrigation storage rights;
2. When the American Falls and Palisades Reservoir irrigation storage rights are partially decreed, such partial decrees should **not** include the State's proposed refill remark; and
3. There is no just reason for delay for submission of that determination to the Presiding Judge.

DATED September 14, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Subcase Nos:

01-02064
01-02064A
01-02064B
01-02064C
01-02064D
01-02064E
01-02064F
01-02064L
01-02068
01-02068D
01-02068E
01-02068F
01-02068M
01-02068Y
01-10042
01-10042A
01-10042B
01-10043
01-10043A
01-10043E
01-10053A
01-10190
01-10191
01-10389

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER GRANTING UNITED STATES' MOTION, CERTIFICATE & PARTIAL SPECIAL MASTER REPORT & RECOMMENDATION was mailed on September 14, 2012, with sufficient first-class postage to the following:

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(Certificate of mailing continued)

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