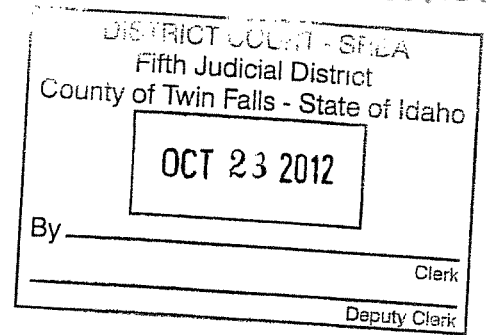


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OCT 25 2012
DEPARTMENT OF
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

	)	Subcases:
In Re SRBA	)	01-219 (Lake Walcott)
	)	01-4055, et al. (Jackson Lake)
	)	01-2068, et al. (Palisades Reservoir)
	)	01-2064, et al. (American Falls Reservoir)
Case No. 39576	)	[see attached list of 31 subcases]
	)	
	)	ORDER STAYING FURTHER PROCEEDINGS
	)	BEFORE SPECIAL MASTER ON "FILL" AND
	)	"REFILL" MATTERS

On October 10, 2012, the Surface Water Coalition filed its *Motion to Stay Proceedings on "Refill" Remark Objections* pending resolution of Basin-Wide Issue 17 to avoid litigation of the same issue on multiple fronts. The Coalition argued the stay should apply to motions to alter or amend and challenges to the Special Master's September 14, 2012 *Amended Order Granting United States' Motion, Certification, and Partial Special Master's Report and Recommendation* as well as trial before the Special Master set to begin December 10, 2012.

A hearing on the matter was held on October 18, 2012. Travis L. Thompson, W. Kent Fletcher and C. Tom Arkoosh appeared for the Surface Water Coalition; Michael C. Orr appeared for the State of Idaho; David W. Gehlert appeared for the USDI/BOR; Josephine P. Beeman appeared for the City of Pocatello; Candice M. McHugh appeared for the Ground Water Districts; Rochelle M. Davis appeared for various amicus parties; and Garrick L. Baxter appeared for IDWR.

The State argued Basin-Wide 17 was narrowly framed and because there is no single refill issue in these subcases, trial should proceed as scheduled on non-refill issues. The City of

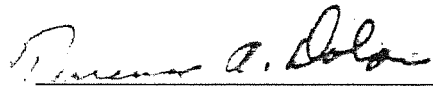
Pocatello reminded the parties there remain such issues as purpose of use, place of use and ownership in the Palisades Reservoir matter.

In the interest of judicial economy,

THEREFORE, IT IS ORDERED that:

1. All "fill" and "refill" matters now pending before the Special Master are **stayed** pending further notice from the court, and
2. All other matters concerning the above 31 subcases now pending before the Special Master shall proceed to trial as stated in the October 1, 2012 *2nd Amended Trial Schedule*.

DATED October 23, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Subcase Nos:

01-00219
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
01-04055
01-10042
01-10042A
01-10042B
01-10043
01-10043A
01-10043E
01-10044
01-10045
01-10045A
01-10045B
01-10053A
01-10190
01-10191
01-10196
01-10389

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER STAYING FURTHER PROCEEDINGS BEFORE SPECIAL MASTER ON FILL AND REFILL MATTERS was mailed on October 23, 2012, with sufficient first-class postage to the following:

CITY OF POCATELLO

Represented by:

A. DEAN TRANMER

CITY OF POCATELLO

PO BOX 4169

POCATELLO, ID 83201

Phone: 208-234-6148

IDAHO POWER COMPANY

Represented by:

ADAM T DEVOE

BROWNSTEIN HYATT & FARBER PC

410 17TH ST 22ND FL

DENVER, CO 80202-4437

Phone: 303-223-1100

PIONEER IRR DIST

Represented by:

ANDREW J WALDERA

101 S CAPITOL BLVD 10TH FL

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

AMERICAN FALLS RESERVOIR

Represented by:

C THOMAS ARKOOSH

CAPITOL LAW GROUP PLLC

301 MAIN ST

PO BOX 32

GOODING, ID 83330-0032

Phone: 208-934-8872

BLACK CANYON IRR DIST

NEW YORK IRRIGATION DISTRICT

Represented by:

CHARLES F MC DEVITT

420 W BANNOCK ST

PO BOX 2564

BOISE, ID 83701-2564

Phone: 208-343-7500

STATE OF IDAHO

Represented by:

CHIEF NATURAL RESOURCES DIV

OFFICE OF THE ATTORNEY GENERAL

STATE OF IDAHO

PO BOX 44449

BOISE, ID 83711-0449

Phone: 208-334-2400

AMERICAN FALLS RESERVOIR

Represented by:

CRAIG D HOBDEY

HOBDEY LAW OFFICE PLLC

125 5TH AVE

PO BOX 176

GOODING, ID 83330-0176

Phone: 208-934-4429

IDAHO POWER COMPANY

Represented by:

JAMES C TUCKER

IDAHO POWER CO

1221 W IDAHO ST

PO BOX 70

BOISE, ID 83707-0070

Phone: 208-388-2112

BINGHAM GROUND WATER DISTRICT

Represented by:

JEFFREY R CHRISTENSON

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

AMERICAN FALLS SPACEHOLDERS

BLACKFOOT IRRIGATION CO

FREMONT-MADISON IRRIGATION

JERRY R RIGBY

NEW SWEDEN IRRIGATION DIST

UNITED CANAL CO

Represented by:

JERRY R RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

(Certificate of mailing continued)

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702-6049
Phone: 208-331-0950

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

ABERDEEN AMERICAN FALLS
ABERDEEN-AMERICAN FALLS
ABERDEEN-SPRINGFIELD CANAL CO
AMERICAN FALLS SPACEHOLDERS
BINGHAM GROUND WATER DISTRICT
BONNEVILLE-JEFFERSON GROUND
JEFFERSON CLARK GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER

Represented by:
RANDALL C BUDGE
201 E CENTER ST STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT

Represented by:
ROGER D LING
PO BOX 623
RUPERT, ID 83350-0623
Phone: 208-434-2717

CITY OF POCATELLO

Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202
Phone: 303-595-9441

BOISE PROJECT BOARD OF CONTROL

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
HILLSDALE IRRIGATION DIST
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

(Certificate of mailing continued)

MINIDOKA IRRIGATION DISTRICT

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250

BONNEVILLE-JEFFERSON GROUND
WATER DISTRICT

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