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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 20 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	)	Subcases 01-2068 (USDI/BOR) and
	)	01-2068Y (City of Pocatello)
Case No. 39576	)	ORDER ON POST-TRIAL BRIEFING
_____	)	

Trial on the above claims was held on December 10, 2012, at the SRBA Courthouse in Twin Falls, Idaho. David W. Gehlert appeared for the United States of America, Department of Interior, Bureau of Reclamation, along with E. Gail McGarry and Michael Beus, Reclamation Water Operations Manager; Josephine P. Beeman, Charles L. Honsinger and A. Dean Tranmer appeared for the City of Pocatello; Michael C. Orr appeared for the State of Idaho; Roger D. Ling appeared for the Burley and Falls Irrigation Districts; W. Kent Fletcher appeared for the Minidoka Irrigation District; Travis L. Thompson appeared for the Surface Water Coalition; James C. Tucker appeared for Idaho Power Company; and Chris M. Bromley appeared for IDWR.

At trial, IDWR offered the testimony of Anthony S. Olenichak, Water District 01 Program Manager, in support of the IDWR Director's recommendations. Following that testimony and cross examination, IDWR offered IDWR Exhibits 1-9 which were admitted.

Next, the State's *Motion Pursuant to Rules 16(i) and 37(b)(2)(B)* was granted prohibiting the City of Pocatello from calling witnesses in its case-in-chief. The City then offered into evidence its Exhibits 501, 504, 507, 509 and 517 which were admitted in relevant parts. The City asked the Court to take judicial notice of the City's Exhibits 510, 514 and 518-524 (***Partial Decrees*** only) plus it submitted its offer of proof in support of admission of Pocatello Exhibits 510-516 and 522-524 whose admissions were denied.

At the conclusion of trial, the parties suggested the filing of post-trial briefs following lodging of the SRBA Court Reporter's trial transcript.

THEREFORE, IT IS ORDERED that:

1. The City of Pocatello shall lodge its post-trial brief no later than fifteen (15) days after the Court Reporter lodges the trial transcript;
2. The remaining parties shall lodge their post-trial briefs no later than three (3) weeks after the City lodges its post-trial brief after which the matters shall be deemed submitted for decision; and
3. The parties shall include in their briefing only those issues argued at trial, i.e.: ownership, purposes of use, places of use and periods of use for Palisades Reservoir storage water. Because the evidence is that the license for claim 01-2068 (issued on March 19, 1973) has never been amended and no administrative transfers have been approved, a key issue is whether there have been accomplished transfers as suggested by the City. Issues concerning storage water rights in basins other than Basin 01 will not be considered nor will the Special Master consider any evidence not admitted at trial.

DATED December 20, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON POST-TRIAL BRIEFING was mailed on December 20, 2012, with sufficient first-class postage to the following:

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ORDER ON POST-TRIAL BRIEFING

Page 1
12/19/12

(Certificate of mailing continued)

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