

RECEIVED
MAR 08 2013
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 6 2013	
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 GRANTING POCATELLO'S MOTION
	)	TO FILE POST-TRIAL BRIEF ONE DAY LATE
	)	and
	)	SPECIAL MASER REPORT AND
	)	RECOMMENDATION

Director's Report

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area Basin 01, IDWR Part 2* on December 19, 2006.

01-2068 – The Director recommended claim 01-2068 to the United States of America, Department of Interior, Regional Director PN Region, Bureau of Reclamation PN-3100, 1150 N. Curtis Road, Suite 100, Boise, Idaho, 83706-1234, for 1,200,000 afy from the Snake River in Palisades Reservoir for year-'round irrigation and power storage and power from storage plus irrigation from storage from March 15 to November 15 with a priority date of July 28, 1939, based on a license.

01-2068Y – The Director recommended claim 01-2068Y filed by Pocatello be disallowed: "Recommended as right no. 1-2068."

Objections

01-2068 – Objections to the BOR's claim were filed by the BOR, the Milner, Minidoka, Falls, Burley and A&B Irrigation Districts, the North Side Canal Company, the State of Idaho and Pocatello on April 19 and 20, 2007.

Pocatello's *Objection* in subcase 01-2068 is unique and squarely frames the issues addressed in this matter. It stated the water right "[s]hould include acknowledgement of the use of the water under Pocatello's contract that is held by the City of Pocatello as consumer or user of the water." Pocatello's *Objection*, at 2. The City listed 12 additional year-round uses (besides irrigation and power uses) which should have been recommended. It argued the places of use should include lands within the City's service area plus "those lands located within the Snake River drainage below Palisades Reservoir that have or may in the future receive water from the City of Pocatello's Palisades Reservoir storage right through mitigation or through rental or lease from the City of Pocatello." Pocatello's *Objection*, at 3.

In support of its *Objection*, Pocatello wrote:

1. This objection is made pursuant to the contractual rights of the City of Pocatello under the contract it entered into with the U.S. Bureau of Reclamation under Contract No. 14-06-100-1825 dated January 8, 1960 (hereinafter Contract). Under the Contract, the City of Pocatello is entitled to 4.1667% of the reservoir capacity, which is 50,000 acre feet at the estimated active capacity of 1,200,000 acre feet. This water was acquired by the City to mitigate and replace to the Snake River, in accordance with applicable law, depletions attributable to the City's diversion of ground water and surface water for municipal uses within the City's service area. In accordance with applicable law and the terms of the Contract, water withdrawn from the City's wells or diverted at the City's headgates is replaced to the Snake River using the City's Palisades Reservoir water. In addition, the City may rent its Palisades Reservoir water to other users for irrigation, power, domestic, municipal, industrial, commercial, mitigation and recharge purposes on an annual basis pursuant to the terms of the Contract. The City provides water to numerous landowners through mitigation, lease, and/or rental of its Palisades Reservoir storage right. The City also owns certain property located within its service area.
2. Claim 01-2068 was only claimed and recommended in the SRBA for storage water in Palisades Reservoir for the limited purposes of irrigation and power. Pursuant to Article 24 of the Contract, Pocatello files this objection to ensure that the full nature and extent of the City's Palisades storage right is properly decreed in the SRBA.
3. Number 5 of the Conditions of Approval for recommendation 01-2068 needs to reflect that as a matter of Idaho constitutional and statutory law, title to the use of the water under Pocatello's Contract is held by the City of Pocatello as consumer or user of the water.^[1] The Idaho Supreme Court in *United States of*

¹ Pocatello's reference to "Number 5 of the Conditions of Approval for recommendation 01-2068" is confusing. It may reference an internal IDWR document entitled "Adjudication Recommended Right Report" which can be found by searching IDWR's online database for water right 01-2068. The report is **not** part of the SRBA official record. A section of that internal report, entitled "Conditions of Approval", paragraph 6 (not 5), states:

America v. Pioneer Irrigation District, et al., Docket No. 31790 (In Re SRBA Case No. 39576 (Subcase 91-63)), March 9, 2007, affirmed the equitable title of those who make beneficial use of storage water in U.S. Bureau of Reclamation facilities.

4. The conditions of approval should confirm the usual and customary historical administration of this water right.

Pocatello's *Objection*, at 3-4.

01-2068Y – On April 12, 2007, Pocatello filed the only objection in subcase 01-2068Y objecting to virtually all recommended elements and repeating virtually the same language from its *Objection* in subcase 01-2068. Then it added the following two paragraphs:

Claim 01-2068Y was disallowed and recommended as 01-2068 for the U.S. Bureau of Reclamation. However, 01-2068 was only claimed and recommended in the SRBA for storage water in Palisades Reservoir for the limited purposes of irrigation and power. Pursuant to Article 24 of the Contract, Pocatello's claim 01-2068Y is necessary to ensure that the full nature and extent of the City's Palisades storage right is properly decreed in the SRBA.

Furthermore, on March 9, 2007, the Idaho Supreme Court in *United States of America v. Pioneer Irrigation District, et al.*, Docket No. 31790 (In Re SRBA Case No. 39676 (Subcase 91-63)), affirmed the equitable title of those who make beneficial use of storage water in U.S. Bureau of Reclamation facilities.

Pocatello's *Objection*, at 4.

Stipulation

On September 25, 2012, parties to twelve Basins 01, 21 and 25 reservoir subcases (including 01-2068) and IDWR filed a *Stipulation* listing certain remarks and elements to be included in partial decrees for those water rights. The document said the parties, with IDWR's concurrence, agreed the *Stipulation* and attached exhibits "is a complete resolution of the water

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory Law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

IDWR's "Adjudication Recommended Right Report", at 2, available online at www.idwr.idaho.gov.

right elements and remarks" of those water rights. *Stipulation*, at 7. However, Pocatello did not join the *Stipulation*.

The signatories excepted from the *Stipulation*: 1) specific objections and responses raised by Pocatello, Idaho Power Company, North Side and Twin Falls Canal Companies and A&B, Burley, Falls, Milner and Minidoka Irrigation Districts, 2) a "refill" remark in four particular subcases, 3) further proceedings on the Special Master's September 14, 2012 ***Report and Recommendation*** and 4) "any issues arising in the Basin-Wide 17 proceeding or any other storage water right basin-wide issue." On November 2, 2012, the Special Master entered an ***Order Adopting Stipulation*** binding the parties to its terms.

Trial

Trial on all remaining Basin 01 "non-refill" issues in the reservoir subcases, including purpose of use, place of use and ownership of storage water in Palisades Reservoir (01-2068 and 01-2068Y), was held on December 10, 2012, at the SRBA Courthouse in Twin Falls, Idaho. David W. Gehlert appeared for the BOR, along with E. Gail McGarry and Michael Beus, Reclamation Water Operations Manager; Josephine P. Beeman and Charles L. Honsinger appeared for 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 Coalition²; James C. Tucker appeared for Idaho Power Company; and Chris M. Bromley appeared for IDWR.

At the beginning of trial, the parties agreed to withdraw their objections filed in subcases competing with BOR claims in Jackson Lake (01-4055, 01-10044 and 01-10045), Palisades Reservoir (01-2068 and 01-10043), American Falls Reservoir (01-2064 and 01-10042) and Lake Walcott (01-10034). The BOR agreed that it withdrew its claim in subcase 01-10034 in the September 25, 2012 *Stipulation* because the claim is now recommended to the BOR as water right 01-219.

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.

² The Surface Water Coalition includes: A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company.

Next, the State's *Motion Pursuant to Rules 16(i) and 37(b)(2)(B)* was granted prohibiting Pocatello from calling witnesses in its case-in-chief. Pocatello then offered into evidence its Exhibits 501, 504, 507, 509 and 517 which were admitted in relevant parts. Pocatello asked the Court to take judicial notice of Pocatello'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.

First Special Master Reports

Following the trial, the Special Master entered two *Reports and Recommendations* on January 9, 2013. The first recommended the 22 competing claims, plus withdrawn claim 01-10034, be disallowed. The second recommended the BOR be decreed seven storage water rights for Jackson Lake, Palisades Reservoir, American Falls Reservoir and Lake Walcott.³ At the suggestion of the parties, final consideration of subcases 01-2068 and 01-2068Y was held in abeyance pending the filing of post-trial briefs.

Post-Trial Briefs

The *Order on Post-Trial Briefing* and *Supplemental Order on Post-Trial Briefing* required Pocatello to lodge its brief in subcases 01-2068 and 01-2068Y no later February 1, 2013, and the remaining parties to lodge their briefs no later that February 22, 2013. After that date, the matters would be deemed submitted for decision.

Pocatello filed its *Motion to File Post-Trial Brief One Day Late* on February 5, 2013, stating none of the other parties opposed the *Motion*. The same date, Pocatello lodged its *Brief*. The State of Idaho and the Surface Water Coalition lodged their *Briefs* on February 22, 2013, and the United States lodged its *Brief* on February 25, 2013.⁴

Pocatello – Pocatello's *Brief* was relatively short simply incorporating "extensive research on the following statements of law" offered by the State of Idaho in its 38 page *Reply*

³ The Special Master also recommended entry of those seven partial decrees be withheld pending final resolution of Basin-Wide Issue 17.

⁴ Pocatello wrote in its *Brief* that it "will include additional legal citation in its reply brief." The Special Master ordered that the matters would be deemed submitted for decision after Pocatello and the other parties lodge their post-trial briefs. No further briefing will be considered.

Brief in Basin-Wide Issue 17⁵, Subcase No. 00-91017, dated January 25, 2013. In its two page *Brief*, Pocatello cited four section headings from the State's *Brief* [herein as they were cited]:

[P]ocatello's position [is] that it is an error of law to require a specific uses of 1-2068 in order to recommend the purposes of use claimed by Pocatello:

1. The Argument That A Storage Water Right Must Be Administered To Satisfy Its "Purpose Of Use" Is Contrary To The Idaho Code And Idaho Supreme Court Decisions.
2. The Argument That A Storage "Water Right Has A "Second Component" That Requires Administration Based On Diversions "Coupled With" Beneficial Use Conflicts With The Idaho Code And The Idaho Constitution.
3. Under the idaho code and idaho supreme court decisions, The distribution of stored water from a reservoir is not Natural flow administration and is not governed by the storage water right.
4. Under the idaho constitution, a right to a distribution of Stored water from a reservoir is distinct from an Appropriation to divert natural flow into a reservoir.

Pocatello's *Brief*, at 2.

State of Idaho – In its *Brief*, the State wrote:

The principal trial issue was the City's claim to additional purposes of use that were not recommended by the Director: industrial, commercial, recharge, municipal, domestic and mitigation uses. The only purposes listed in the water right license for the Palisades water right are irrigation and power, and it was established at trial that no formal transfer had been filed in connection with the Palisades water right. Thus, as this Special Master stated, "the trial narrowed down to a primary point: Has the City of Pocatello shown an accomplished transfer?" [footnotes omitted].

State's *Brief*, at 2.

The State argued Pocatello's *Brief* failed to even address the issue of accomplished transfer and failed to demonstrate the Director's recommendations of 01-2068 and 01-2068Y are incorrect. It pointed out the City does not possess any diversion or conveyance works to divert storage water from the Snake River and has never diverted such water except through a rental pool:

⁵ The issue designated as Basin-Wide Issue 17 states: "Does Idaho law require a remark authorizing storage rights to 'refill,' under priority, space vacated for flood control?" *Order Designating Basin-Wide Issue*, September 21, 2012, Subcase No.: 00-91017, at 7.

The "rental pool" is authorized by the "water supply bank" statutes of Chapter 17, Title 42, Idaho Code. Idaho Code §§ 42-1761, 42-1765. Under these statutes, the rental of water is "incidental" to the underlying water right. Idaho Code § 42-1764(3). The statutes provide for water to be rented for uses and in places other than those set forth in the elements of the underlying water rights without obtaining a transfer, without risk of forfeiture, and without effecting a permanent change in the underlying water right.

State's *Brief*, at 5.

The State noted that even though Pocatello argued at trial its claimed uses were perfected through an accomplished transfer prior to 1969, the evidence is that the water was used solely for irrigation and power uses prior to issuance of license 01-2068 in 1973. After that date, the only evidence of any use of the City's storage water right was through the rental pool in 1994. The State concluded the "evidence is insufficient as a matter of law to support a conclusion that an accomplished transfer took place 'prior to November 19, 1987.' Idaho Code § 42-1425. [footnote omitted]." State's *Brief* at. 6.

Finally, the State noted Pocatello never appealed issuance of license 01-2068 for irrigation and power uses and since then has never filed an administrative transfer application to add industrial, commercial, recharge, municipal, domestic and mitigation uses which it can do at any time.

Surface Water Coalition – The Coalition wrote that several of Pocatello's arguments make no sense: first, Pocatello stated its claim 01-2068Y and objection to claim 01-2068 are not subject to administration in order to be recognized by the SRBA Court; second, Pocatello argued beneficial use is irrelevant for purposes of adjudicating both claims; and third, Pocatello vaguely referred to Idaho law, Idaho Supreme Court decisions and the Idaho Constitution as supporting its claims. The Coalition wrote such arguments provide no assistance to the Court or the parties and must be rejected.

United States – The United States argued the evidence shows there is no basis for an accomplished transfer of BOR's storage right 01-2068 because Pocatello has never diverted water for any of the purposes it claimed nor has water ever been delivered to Pocatello from Palisades Reservoir prior to commencement of the SRBA on November 19, 1987.

The United States noted a *Pioneer* remark recognizing that irrigation districts hold a beneficial use interest in BOR's storage water rights used for irrigation purposes will be included in 01-2068. However, Pocatello failed to show a "modified version" of the *Pioneer* remark – including additional consumptive non-irrigation uses – is warranted. It concluded Pocatello failed to produce evidence it ever applied Palisades storage water to beneficial use and failed to overcome the presumption the Director's recommendations of 01-2068 and 01-2068Y are correct. Since there can be no competing claim to storage water rights in Palisades Reservoir, Pocatello's objection to 01-2068 and its claim 01-2068Y fail as a matter of law.

Discussion

For over 53 years, Pocatello has been entitled to Palisades Reservoir storage water based on its 1960 contract with the BOR. Water right 01-2068 was licensed to the BOR in 1973, without objection and exclusively for irrigation and power uses. When Pocatello used its water for other uses, it did so lawfully not because the license was amended or because of an accomplished transfer, but because Pocatello put the water into a rental pool. As the State has pointed out, Pocatello's water was "rented for uses and in places other than those set forth in the elements of the underlying water rights without obtaining a transfer, without risk of forfeiture, and without effecting a permanent change in the underlying water right."⁶

From the start, when Pocatello filed claim 01-2068Y, it was clear it claimed a "piece" of Palisades Reservoir storage water 01-2068 with the same 1939 priority date. Since licensed water right 01-2068 has not been amended through formal transfer proceedings, Pocatello argued the underlying water right had been amended via an accomplished transfer.

At trial, the evidence established that Pocatello has no diversion or conveyance works of its own to divert water from the Snake River. It was also clear that Pocatello never "diverted" such water except through a rental pool. By participation in a rental pool, Pocatello was able to use its water licensed for irrigation and power uses for non-licensed purposes and places of use. But there is no evidence of an accomplished transfer of water right 01-1068. Pocatello has failed to overcome the presumptions the Director's recommendations for water right 01-2068 and claim

⁶ There was testimony suggesting Pocatello may not have used any of its contract water before 1994, well *after* commencement of the SRBA in 1987.

01-2068Y are correct. Finally, Pocatello's objection to the Director's recommendation of 01-2068 lacks merit and fails as a matter of law.

Order

For good cause shown and because no party opposed Pocatello's *Motion to File Post-Trial Brief One Day Late*,

THEREFORE, IT IS ORDERED that the *Motion* is **granted**.

Conclusions of Law

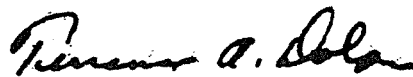
1. The United States is entitled to a partial decree adjudicating a water right for claim 01-2068 as described in the September 25, 2012 *Stipulation* and the attached *Special Master Recommendation for Partial Decree for Water Right 01-2068*. However, entry of such partial decree should be withheld pending final resolution of Basin-Wide Issue 17.
2. Pocatello is **not** entitled to a partial decree for its claim 01-2068Y.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. The United States be decreed a water right for water right 01-2068; and
2. Pocatello's claim 01-2068Y be **disallowed**.

DATED March 6, 2013.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 01-02068

NAME AND ADDRESS: UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 940400.00 AFY

Total reservoir active capacity is 1,200,000 acre feet when
filled to elevation 5620 and measured at the upstream face of
the dam.

PRIORITY DATE: 07/28/1939

The United States, after consultation with the Watermaster and
the Water District 1 Advisory Committee, may release stored water
from Jackson Lake and Palisades reservoirs for the maintenance of
power production at Palisades Dam powerplant and may store such
water in American Falls Reservoir. The release of such water
will be confined, however, when it appears to the Secretary that
American Falls, Palisades, and Jackson Lake reservoirs will fail
to fill, to not more than 1,000 cfs for minimum firm power
production and that amount which can be stored in American Falls
Reservoir; and no such release shall be made that will preclude
the later delivery of water, by exchange or otherwise, to the
upper valley entities entitled thereto. "Upper valley entities"
shall mean those reservoir spaceholders diverting from the Snake
River and its tributaries above American Falls Dam.

POINT OF DIVERSION: T01S R45E S17 SENE Within Bonneville County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	940400.00 AFY
	Irrigation from Storage	03-15 TO 11-15	940400.00 AFY
	Power Storage	01-01 TO 12-31	940400.00 AFY
	Power from Storage	01-01 TO 12-31	940400.00 AFY

PLACE OF USE:

Place of use for irrigation from storage is within the following
counties: Fremont, Madison, Jefferson, Bonneville, Bingham,
Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls,
Gooding, Teton, and Elmore.

Place of use for storage is Palisades Reservoir, provided,
however, that water under this right may be temporarily held in
the unoccupied space of any of the reservoirs upstream of Milner
Dam, located at township 10S, range, 21E, sections 28 and 29,
when determined by the Water District 01 Watermaster as
supervised by the Director of the Department of Water Resources,
the Water District 01 advisory committee, and the United
States Bureau of Reclamation that such temporary storage will
maximize the storage of water upstream of Milner Dam.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The allocation of storage to federal contractors and the location

OTHER PROVISIONS (continued)

of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster as supervised by the Director of the Department of Water Resources shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store and distribute water pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 21-2156, 21-4155, 21-10560 and 25-7004.

This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

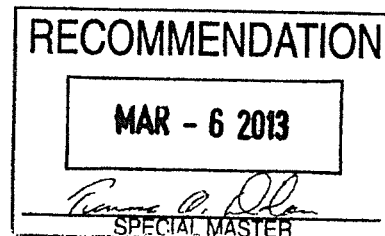
The operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and American Falls Reservoir District #2.

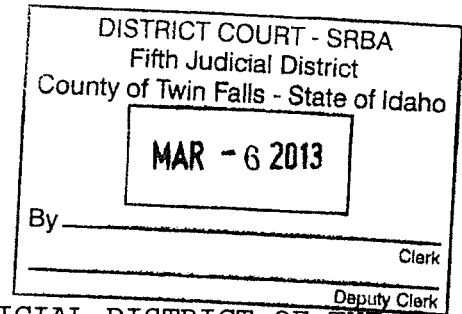
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

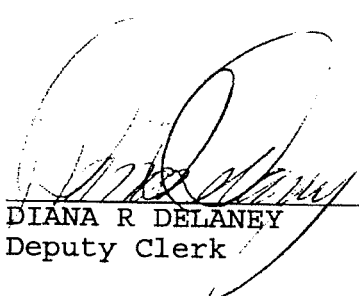
Water Right(s): 01-02068
01-02068Y

On March 06, 2013, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

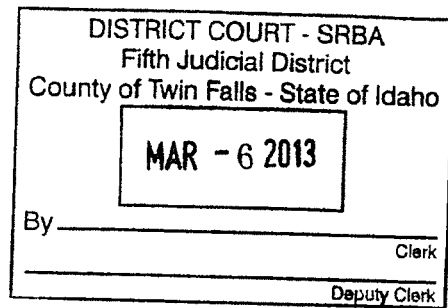
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 06, 2013.



DIANA R DELANEY
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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 01-02068
01-02068Y

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 06, 2013, with sufficient first-class postage prepaid to the following:

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

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

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
ARKOOSH EIGUREN LLC
PO BOX 2900
BOISE, ID 83701
Phone: 208-334-5105

CERTIFICATE OF MAILING

PAGE 1
03/06/13

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

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

JERRY R RIGBY

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

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 POCA TELLO

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

CERTIFICATE OF MAILING

ABERDEEN AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
BONNEVILLE-JEFFERSON GROUND
JEFFERSON CLARK GROUND WATER
MADISON GROUND WATER DISTRICT
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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD

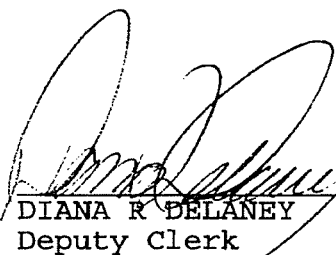
Represented by:
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

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

MINIDOKA IRRIGATION DISTRICT

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

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

PAGE 3
03/06/13