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DEPARTMENT OF
WATER RESOURCES

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**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

)
) Subcase No. 01-2064
)
) **STATE OF IDAHO'S STATUS**
) **CONFERENCE REPORT**
) **FOR STATUS CONFERENCE**
) **OF JULY 25, 2013**
)

This Special Master scheduled a status conference in this subcase for Thursday, July 25, 2013, at 10:30 a.m. This report is filed for purposes of the status conference and addresses the status of the proceedings in this subcase.

This Special Master on October 23, 2012 issued an order staying further proceedings in this subcase and others on “fill” and “refill” issues. *Order Staying Further Proceedings Before Special Master On “Fill” And “Refill” Matters, Subcase Nos. 01-219 (Lake Walcott), 01-4055, et al. (Jackson Lake), 01-2068, et al. (Palisades Reservoir), 01-2064, et al. (American Falls Reservoir)* (Oct. 23, 2013). The stay order granted the Surface Water Coalition’s request to stay its “refill” objections “pending the resolution of Basin-Wide Issue 17 to avoid litigation of the same issue on multiple fronts.” *Id.* at 1.

“Trial on all remaining Basin 01 ‘non-refill’ issues . . . was held on December 10, 2012.” *Special Master Report And Recommendation, Subcase Nos. 0-219 (Lake Walcott), 01-2064 (American Falls Reservoir), 01-4055 (Jackson Lake), 01-10042 (American Falls Reservoir), 01-10043 (Palisades Reservoir), 01-10044 (Jackson Lake), 01-10045 (Jackson Lake)* (Jan. 9, 2013), at 2. The trial and this Special Master’s subsequent *Report And Recommendation* resolved all “non-refill” issues in this subcase, and this Special Master recommended that entry of the partial decrees be withheld “pending the final resolution of Basin-Wide Issue 17.”

The Presiding Judge entered a decision resolving Basin-Wide Issue 17 on March 30, 2013, *Memorandum Decision, Subcase No. 00-91017 (Basin-Wide Issue 17)* (Mar. 20, 2013), but this decision has been appealed to the Idaho Supreme Court by the United States, the Surface Water Coalition, and the Boise Project Board of Control.¹ The appeals remain pending.

Following entry of the *Report And Recommendation*, Idaho Power filed *Idaho Power Company’s Motion To Alter Or Amend Special Master Report And Recommendation* (Jan. 22, 2013). Idaho Power Company’s motion to alter or amend sought an amendment of this Special Master’s recommendation for water right no. 01-2064 (American Falls) to reflect the Company’s interest in water right. *Id.* at 3. The parties appear to have reached an informal agreement on a

¹ The notices of appeal were filed in Subcase No. 00-91017 on May 1, 2013.

proposed amendment to the *Pioneer* remark for water right no. 01-2064 that would resolve Idaho Power Company's motion to alter or amend. No formal stipulation has been filed, however, because the United States Department of Justice has not yet approved the proposed amendment to which the other parties have informally agreed. Idaho Power Company's motion to alter or amend remains pending.

Thus, under this Special Master's orders, the only issue pending in this subcase that has not been stayed pending final resolution of Basin-Wide 17 is Idaho Power Company's motion to alter or amend this Special Master's recommendation for water right no. 01-2064.

Respectfully submitted this 30th day of May 2013.

LAWRENCE G. WASDEN
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Chief, Natural Resources Division



MICHAEL C. ORR
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July 2013, I caused the foregoing *State Of Idaho's Status Conference Report For Status Conference Of July 25, 2013* to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

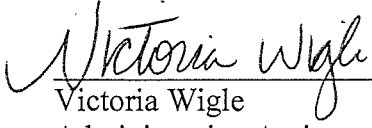
Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Federal Express ☒ Facsimile: (208) 736-2121
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2. Copies to:

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USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC O33 Boise, ID 83724	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ E-Mail:
United States Of America Regional Director Pn Region Attn: Matt Howard, PN-3130 Bureau Of Reclamation Pn-3100 1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☒ E-Mail: mhoward@usbr.gov
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Victoria Wigle
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