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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Exhibits A and B

Case No. 39576

36-3 A
e val
AMENDED ORDER RE: CONTESTED
CLAIMS FOR AMOUNTS CLAIMED
IN EXCESS OF .02 CFS

To fairly and accurately resolve contested claims for irrigation in excess of .02 cfs in the subcases listed on the attached Exhibits A, the following order shall govern their resolution. This process has become necessary to avoid confusion stemming from the resolution of Basin-Wide Issue 10, partial forfeiture, the admission of IDWR that none of the rights subject to this order were recommended on the basis of partial forfeiture, and the interplay of the doctrines of beneficial use and forfeiture. This order is intended to clarify the basis of the Director's recommendations in order to fully and fairly inform the claimants, to accurately explicate the basis of the Director's recommendations and with this information, to facilitate the settlement of these contested cases. Where settlement is not accomplished, the record then to be presented at hearing will be more complete; helping to insure the fairness, accuracy and integrity of the decrees entered.

IT IS ORDERED THAT:

1. On or before July 1, 1996, the Director shall file *Amended Director's Reports* for any of the rights in subcases listed in Exhibit A, where the best current facts relating to reasonable beneficial use require a recommendation different than originally presented.

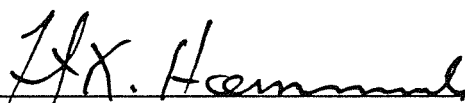
2. On or before September 1, 1996 the *Amended Director's Report* for subcases listed in Exhibit B shall be due.
3. On or before July 1, 1996, the Director shall file a report(s) of expert under I.R.E. 706 (706 Report) setting forth the factual basis of the recommendation covering each contested element of the rights for the subcases listed in Exhibit A.
4. On or before September 1, 1996, the Director shall file a report of expert under I.R.E. 706 (706 Report) setting forth the factual basis of the recommendation covering each contested element of the rights for the subcases listed in Exhibit B.

These 706 Reports shall be consistent with the Idaho Rules of Evidence in all respects, including but not limited to: foundational matters, qualifications of expert(s), if any, and shall disclose all reviews, comments, or opinions (favorable or unfavorable) received by IDWR on all studies and opinions used or relied upon in the 706 Report. This shall further include the names and addresses of the person(s) who performed the review and a brief summary of the review, comment, or opinion. All reports shall be served on the parties to the individual subcases.

IT IS SO ORDERED.

DATED July 2, 1996.

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Fritz X Haemmerle
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RE: CONTESTED CLAIMS FOR AMOUNTS CLAIMED IN EXCESS OF .02 CFS was mailed on July 2, 1996, with sufficient first-class postage to the following:

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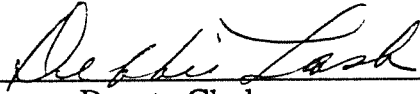

Deputy Clerk

EXHIBIT A

Subcase Nos:

36-00003A
36-00003C
36-00003E
36-00003F
36-00034B
36-00035J
36-00039C
36-00039E
36-00039J
36-00039N
36-00047
36-00061
36-00062
36-00063
36-00064B
36-00079
36-00085A
36-00086C
36-00092
36-00103F
36-00106
36-00108B
36-10283B
36-10409

EXHIBIT B

Subcase Nos:

36-00003J 36-00123A
36-00004 36-00134C
36-00006 36-00135C
36-00007 36-00136A
36-00008 36-00136B
36-00022 36-00194
36-00023 36-00198A
36-00029B 36-02002
36-00033D 36-02008
36-00033E 36-02009
36-00039F 36-02038
36-00039P 36-02046
36-00041C 36-02166
36-00042A 36-02178
36-00048C 36-02588
36-00050D 36-04071
36-00051C 36-04091
36-00051D 36-07081
36-00051E 36-07089
36-00054A 36-07142
36-00055AD 36-07172
36-00055AF 36-07229
36-00065 36-07233
36-00066B 36-07298
36-00067 36-07323
36-00068 36-07369B
36-00069 36-08099
36-00070 36-10033
36-00071A 36-10035
36-00075 36-10141
36-00077C 36-10168
36-00085B 36-10169
36-00089A 36-10223
36-00089C 36-10446
36-00090D 36-10588
36-00090E 36-10706
36-00090F 36-10906
36-00094A 36-15094
36-00096A 36-15157
36-00097 36-15176
36-00099 36-15184
36-00100 36-15384
36-00101 36-15461
36-00110A 36-15463
36-00110B
36-00111A
36-00111B
36-00112A
36-00112B
36-00113H