

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF WATER)	
TO VARIOUS WATER RIGHTS HELD BY OR FOR)	
THE BENEFIT OF A&B IRRIGATION DISTRICT,)	ORDER REGARDING
AMERICAN FALLS RESERVOIR DISTRICT #2,)	OBJECTIONS TO
BURLEY IRRIGATION DISTRICT, MILNER)	RECOMMENDED ORDER
IRRIGATION DISTRICT, MINIDOKA IRRIGATION)	
DISTRICT, NORTH SIDE CANAL COMPANY,)	
AND TWIN FALLS CANAL COMPANY)	
_____)	

The Bureau of Reclamation has filed a Petition for Reconsideration. The Surface Water Coalition has filed a Petition for Partial Reconsideration of the Recommended Order. IGWA has filed a Response to the BOR and Surface Water Coalition Petitions and has filed exceptions with the Director to the Recommended Order. Upon review the Petitions of the BOR and SWC are denied, except as follows:

BOR points out that the Recommended Order misspeaks in stating that Reclamation has the responsibility for “the management [of storage] water to meet the requirements of the Federal Energy Regulatory Commission [FERC]...” Apparently this is a responsibility of Idaho Power met by water from its American Falls storage and water rentals. The comments in the Recommended Order should be disregarded. This does not change any recommendation in the Recommended Order.


BOR questions language in the Recommended Order concerning incidental power releases and suggests that the Recommended Order be modified to state the following:

In addition to its obligation to make irrigation deliveries, Reclamation has the responsibility for flood control releases, production of electrical power, and the management of water to meet both the requirements of the Endangered Species Act and the Nez Perce Water Settlement.

The suggested modification is accepted. This does not change any recommendation in the Recommended Order.

The remainder of objections by all parties to the Recommended Order have been considered and are denied.

Dated 10, June, 2008.



Gerald F. Schroeder
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 2008, the above and foregoing, was served by the method indicated below, and addressed to the following:

TOM ARKOOSH
CAPITOL LAW GROUP
PO BOX 32
GOODING ID 83330
alo@cableone.net

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

W. KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318-0248
wkf@pmt.org

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

ROGER D. LING
ATTORNEY AT LAW
PO BOX 623
RUPERT ID 83350
lnrlaw@pmt.org

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

JOHN ROSHOLT
TRAVIS THOMPSON
BARKER ROSHOLT
113 MAIN AVE WEST STE 303
TWIN FALLS ID 83301-6167
jar@idahowaters.com
flt@idahowaters.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

JOHN SIMPSON
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83701-2139
jks@idahowaters.com

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

RANDY BUDGE
CANDICE MCHUGH
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rcb@racinelaw.net
cmm@racinelaw.net

(x) U.S. Mail, Postage Prepaid
() Facsimile
(x) E-mail

KATHLEEN MARION CARR
U.S. DEPT INTERIOR
960 BROADWAY STE 400
BOISE ID 83706

(x) U.S. Mail, Postage Prepaid
() Facsimile
() E-mail

DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205
dtranmer@pocatello.us

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

MICHAEL GILMORE
ATTORNEY GENERAL'S OFFC
PO BOX 83720
BOISE ID 83720-0010
mike.gilmore@ag.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JEFF FEREDAY
MIKE CREAMER
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720
jcf@givenspursley.com
mcc@givenspursley.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

SARAH KLAHN
WILLIAM A HILLHOUSE II
KELLY SNODGRASS
WHITE JANKOWSKI
511 16TH ST STE 500
DENVER CO 80202
sarahk@white-jankowski.com
billh@white-jankowski.com
kellys@white-jankowski.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JOSEPHINE BEEMAN
BEEMAN LAW OFFICE
409 W JEFFERSON
BOISE ID 83702
jo.beeman@beemanlaw.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Courtesy copies:

MATT HOWARD
US BUREAU OF RECLAMATION
1150 N CURTIS ROAD
BOISE ID 83706-1234
mhoward@pn.usbr.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

LYLE SWANK
IDWR
900 N SKYLINE DR
IDAHO FALLS ID 83402-6105
lyle.swank@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ALLEN MERRITT
CINDY YENTER
IDWR
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3033
allen.merritt@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

TERRY UHLING
JR SIMPLOT CO
999 MAIN STREET
BOISE ID 83702
tuhling@simplot.com

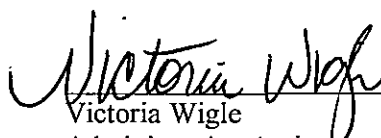
U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JAMES TUCKER
IDAHO POWER CO
1221 W IDAHO ST
BOISE ID 83702
jamestucker@idahopower.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JAMES LOCHHEAD
MIKE GHELETA
BROWNSTEIN HYATT
410 17TH ST 22ND FLOOR
DENVER CO 80202
jlochhead@bhf-law.com
mgheleta@bhfs.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources