

JUN 10 2008

**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.

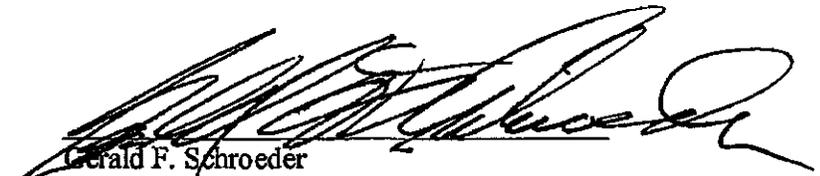
BOR questions language in the Recommended Order concerning incidental power releases and suggests that the Recommended Order be modified to state the following:

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:

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