

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR - 3 2012

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) **Subcase Nos. 74-15051, et al.**
) **(294 "High Flow" Claims, see attached list)**
Case No. 39576)
))
) **FINAL ORDER DISALLOWING WATER**
) **RIGHT CLAIMS**
))
))
))
))

On January 14, 2011, a *Special Master's Report and Recommendation* was filed in the above-captioned matter recommending that the above-captioned water right claims be disallowed.¹ Timely *Notices of Challenge* were subsequently filed by the Lemhi Irrigation District ("LID"), the State of Idaho ("State") and the United States. One issue raised on challenge was whether the Special Master erred in recommending the claims be disallowed. On January 3, 2012, the Court entered a *Memorandum Decision and Order on Challenge* ("*Memorandum Decision*") affirming the Special Master.

On February 14, 2012, the United States filed a *Notice of Appeal*, seeking review of this Court's *Memorandum Decision* before the Idaho Supreme Court in Idaho Supreme Court Docket Number 39686-2012. *Notices of Cross-Appeal* were subsequently filed by the State and LID. On March 19, 2012, the Idaho Supreme Court entered an *Order Granting Stipulation for Dismissal*, dismissing the appeal and cross-appeals pursuant to a stipulation signed by the

¹ The *Special Master's Report and Recommendation* further recommended that the use of high flow surface water for irrigation in the Lemhi Basin be recognized and governed by general provision. Contemporaneous with this *Final Order Disallowing Water Right Claims*, the Court issued an *Order of Partial Decree for General Provisions in Basin 74* in SRBA main case no. 39576, which includes the high flow general provision.

parties. On March 29, 2012, the Court issued its *Remittitur* in Supreme Court Docket No. 39686-2012.

Therefore, IT IS ORDERED that the above water right claims are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

DATED April 3, 2012.

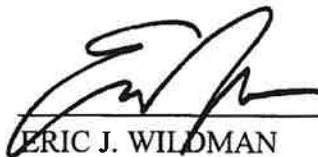


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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.

DATED April 3, 2012.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

Subcase Nos:

74-15051	74-15132	74-15199	74-15278	74-15336	74-15398
74-15052	74-15133	74-15212	74-15279	74-15337	74-15399
74-15053	74-15134	74-15213	74-15280	74-15338	74-15400
74-15054	74-15135	74-15214	74-15281	74-15339	74-15401
74-15071	74-15136	74-15215	74-15282	74-15340	74-15402
74-15084	74-15137	74-15216	74-15283	74-15341	74-15403
74-15085	74-15138	74-15217	74-15284	74-15342	74-15404
74-15087	74-15139	74-15218	74-15285	74-15343	74-15405
74-15088	74-15140	74-15219	74-15287	74-15344	74-15406
74-15089	74-15141	74-15220	74-15289	74-15345	74-15407
74-15090	74-15142	74-15221	74-15290	74-15346	74-15408
74-15091	74-15143	74-15222	74-15291	74-15348	74-15409
74-15092	74-15144	74-15223	74-15293	74-15349	74-15410
74-15093	74-15145	74-15224	74-15294	74-15351	74-15411
74-15094	74-15146	74-15226	74-15295	74-15352	74-15412
74-15095	74-15147	74-15228	74-15296	74-15353	74-15413
74-15096	74-15148	74-15229	74-15298	74-15354	74-15414
74-15097	74-15150	74-15240	74-15300	74-15355	74-15415
74-15098	74-15151	74-15246	74-15301	74-15358	74-15416
74-15099	74-15152	74-15247	74-15302	74-15359	74-15417
74-15100	74-15153	74-15248	74-15303	74-15360	74-15418
74-15102	74-15154	74-15249	74-15306	74-15362	74-15419
74-15104	74-15155	74-15250	74-15307	74-15363	74-15420
74-15105	74-15156	74-15251	74-15309	74-15366	74-15421
74-15106	74-15157	74-15252	74-15310	74-15367	74-15422
74-15107	74-15158	74-15253	74-15311	74-15368	74-15423
74-15108	74-15159	74-15254	74-15312	74-15369	74-15424
74-15109	74-15160	74-15255	74-15313	74-15370	74-15425
74-15110	74-15161	74-15256	74-15314	74-15371	74-15426
74-15111	74-15162	74-15257	74-15315	74-15372	74-15427
74-15112	74-15163	74-15258	74-15316	74-15373	74-15428
74-15113	74-15164	74-15259	74-15317	74-15376	74-15429
74-15114	74-15165	74-15260	74-15318	74-15377	74-15430
74-15115	74-15166	74-15261	74-15319	74-15380	74-15432
74-15116	74-15167	74-15262	74-15320	74-15382	74-15434
74-15117	74-15168	74-15263	74-15321	74-15383	74-15452
74-15118	74-15169	74-15264	74-15322	74-15384	74-15453
74-15119	74-15170	74-15265	74-15323	74-15385	74-15572
74-15120	74-15171	74-15266	74-15324	74-15386	74-15573
74-15121	74-15172	74-15267	74-15325	74-15387	74-15580
74-15122	74-15173	74-15268	74-15326	74-15388	74-15581
74-15123	74-15182	74-15269	74-15327	74-15389	74-15582
74-15124	74-15183	74-15270	74-15328	74-15390	74-15583
74-15125	74-15187	74-15271	74-15329	74-15391	74-15634
74-15126	74-15188	74-15272	74-15330	74-15392	
74-15127	74-15189	74-15273	74-15331	74-15393	
74-15128	74-15190	74-15274	74-15332	74-15394	
74-15129	74-15196	74-15275	74-15333	74-15395	
74-15130	74-15197	74-15276	74-15334	74-15396	
74-15131	74-15198	74-15277	74-15335	74-15397	

(Subcase list: HIGHCOMPLT)

4/02/12