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SEP 13 2006

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

SEP 12 2006

By _____ Clerk
_____ Deputy Clerk

In Re SRBA

Case No. 39576

-) Consolidated Subcase 03-10022
-) (Nez Perce Instream Flow Claims)
-)
-) Consolidated Subcase 67-13701
-) (Nez Perce Springs or Fountains Claims)
-)
-) Subcases 71-10886, *et al.*
-) (State Minimum Stream Flow Claims –
-) See Attached List)
-)
-) Consolidated Subcase 92-80
-) (Nez Perce Multiple-Use Claims)
-)
-) NOTICE OF STATUS CONFERENCE
-) ON JOINT MOTION FOR APPROVAL
-) OF CONSENT DECREE APPROVING
-) ENTRY OF PARTIAL DECREES
-) DETERMINING THE RIGHTS OF
-) THE UNITED STATES AS TRUSTEE
-) FOR THE BENEFIT OF THE NEZ
-) PERCE TRIBE AND THE NEZ PERCE
-) TRIBE TO THE USE OF WATER IN
-) THE SNAKE RIVER BASIN WITHIN
-) IDAHO AND PARTIAL FINAL
-) DECREES DETERMINING
-) MINIMUM STREAM FLOW WATER
-) RIGHTS HELD BY THE IDAHO
-) WATER RESOURCE BOARD
-)

1. On June 27, 2005, the Idaho Supreme Court remanded consolidated subcase 03-10022 (*Nez Perce Instream Flow Claims*). On June 29, 2005, the parties to consolidated subcase 03-10022 filed a *Joint Motion for Approval of Consent Decree, Entry of Final Partial Decrees and Entry of Scheduling Order*. On August 3, 2005, this Court issued a *Scheduling Order and Notices of Hearing Re: Implementation of Nez Perce Settlement Agreement*.

2. **Nez Perce Instream Flow Claims** (Consolidated Subcase 03-10022)

On September 21, 2005, this Court entered an *Order Granting Motion to Dismiss with Prejudice all Instream Flow Claims of the United States and Nez Perce Tribe and Holding Order in Abeyance Pending Entry of Consent Decree*.

3. **Objections of Shoshone-Bannock Tribes**

On January 6, 2006, this Court entered an *Order Dismissing Shoshone-Bannock Tribes' Objections to Settlement Agreement, Entry of Proposed Consent Decree and Objections to Nez Perce Instream Flow Claims*.

4. **Springs or Fountains Claims** (Consolidated Subcase 67-13701)

On October 27, 2005, the special master issued an *Order Denying DeVenys Objection and Special Master's Report and Recommendation on Joint Motion to Dismiss all Springs or Fountains Claims on Private and State Land to Decree Claims on Federal Land and to Stay Entry of Orders Pending Entry of Consent Decree*. On July 28, 2006, this Court entered a *Memorandum Decision and Order on Challenge* denying DeVenys' challenge to the special master's recommendation. The *Memorandum Decision and Order* was not certified as final. The *Partial Decrees* for springs or fountains claims located on federal land have not been issued and held in abeyance nor have the objections to the springs or fountains claims located on private and state lands been dismissed. This Court intends to address the appropriate orders in conjunction with the proceedings on the *Joint Motion for Approval of Consent Decree*.

5. **Idaho Water Resource Board Instream Flow Claims** (Subcase 71-10886, *et al.*)

The director's reports for the instream flow claims held by the Idaho Water Resource Board were filed August 12, 2005. No objections were filed to these claims. A hearing on the uncontested claims was held on January 17, 2006. No party appeared in opposition to the claims. *Partial Decrees* have not yet been issued for these claims.

6. **Multiple-Use Claims** (Consolidated Subcase 92-80)

On August 31, 2005, the Idaho Department of Water Resources filed the *Director's Report for Notice of Filing Claims to Federal Reserved Water Rights (Nez Perce Tribe Multiple Use Claims)*. On September 9, 2005, this Court entered a *Memorandum Decision and Order Dismissing Objections in Part with Prejudice and in Part without Prejudice*

dismissing all remaining objections to the multiple-use claims but allowing certain issues to be raised in conjunction with proceedings pertaining to the approval of consent decree.

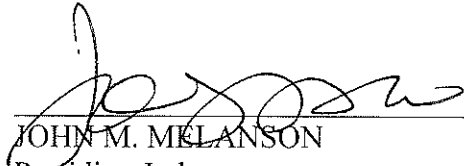
7. Joint Motion for Approval of Consent Decree

This Court has now ruled on all outstanding objections to the various components of the *Proposed Consent Decree*. None of the Court's rulings have been certified as final for purposes of appeal. The next step is to conduct a hearing on the *Joint Motion for Approval of Consent Decree*.

NOTICE IS HEREBY GIVEN that a status conference on the *Joint Motion for Approval of Consent Decree* is set for **Tuesday, October 17, 2006, at 1:30 p.m. (Mountain Time), at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128.

Parties should be prepared to discuss a schedule for proceeding on the *Joint Motion* including any briefing.

DATED this 12th day of September, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

STATE MINIMUM STREAM FLOW CLAIMS

Subcase Nos:

71-10886	77-14190	81-11948	83-11951	85-15626
71-10887	77-14191	81-11949	83-11952	86-11957
71-10888	77-14192	81-11950	83-11953	86-11958
71-10889	77-14193	81-11951	83-11954	86-11959
71-10890	77-14194	81-11952	83-11955	86-11960
71-10891	77-14195	81-11953	83-11956	
71-10892	77-14196	81-11954	83-11957	
71-10893	77-14197	81-11955	83-11958	
71-10894	77-14198	81-11956	83-11959	
71-10895	77-14199	81-11957	83-11960	
71-10896	77-14200	81-11958	83-11961	
72-16664	77-14201	81-11959	84-12215	
72-16665	77-14202	81-11960	84-12216	
72-16666	77-14203	81-11961	84-12217	
72-16667	77-14204	81-11962	84-12218	
72-16668	77-14205	81-11963	84-12219	
72-16669	77-14206	81-11964	84-12220	
72-16670	77-14207	81-11965	84-12221	
72-16671	77-14208	81-11966	84-12222	
72-16672	77-14209	81-11967	84-12223	
72-16673	77-14210	81-11968	84-12224	
75-14184	77-14211	81-11969	84-12225	
75-14185	77-14212	81-11970	85-15598	
75-14186	78-12233	81-11971	85-15599	
75-14187	78-12234	81-11972	85-15600	
75-14188	78-12235	81-11973	85-15601	
75-14189	78-12236	81-11974	85-15602	
77-14167	78-12237	81-11975	85-15603	
77-14168	79-14117	82-12220	85-15604	
77-14169	79-14118	82-12221	85-15605	
77-14170	79-14119	82-12222	85-15606	
77-14171	79-14120	82-12223	85-15607	
77-14172	79-14121	82-12224	85-15608	
77-14173	79-14122	82-12225	85-15609	
77-14174	79-14123	82-12226	85-15610	
77-14175	79-14124	82-12227	85-15611	
77-14176	81-11934	82-12228	85-15612	
77-14177	81-11935	82-12229	85-15613	
77-14178	81-11936	82-12230	85-15614	
77-14179	81-11937	82-12231	85-15615	
77-14180	81-11938	82-12232	85-15616	
77-14181	81-11939	82-12233	85-15617	
77-14182	81-11940	82-12234	85-15618	
77-14183	81-11941	82-12235	85-15619	
77-14184	81-11942	83-11945	85-15620	
77-14185	81-11943	83-11946	85-15621	
77-14186	81-11944	83-11947	85-15622	
77-14187	81-11945	83-11948	85-15623	
77-14188	81-11946	83-11949	85-15624	
77-14189	81-11947	83-11950	85-15625	

(Subcase list: IWRB)
9/12/06

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF STATUS CONFERENCE ON JOINT MOTION FOR APPROVAL OF CONSENT DECREE was mailed on September 12, 2006, with sufficient first-class postage to the following:

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