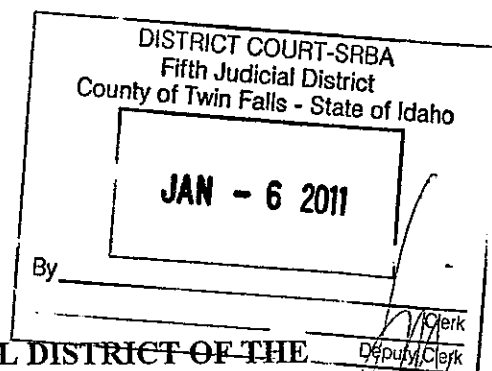


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DEPARTMENT OF
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No: 27-11375

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**ORDER SETTING SCHEDULING
CONFERENCE ON *MOTION TO
ENFORCE AND MOTION FOR
ACCOUNTING***

I.

PROCEDURAL BACKGROUND

1. On October 25, 2010, the State of Idaho filed a *Motion for An Accounting of All Water Rights Benefitting From the Subordination Provisions of the Fort Hall Consent Decree and Insertion of a Remark Memorializing that Benefit on Each Affected Water Right* ("Motion for Accounting") in the above-captioned subcase.

2. On October 29, 2010, the Shoshone-Bannock Tribes ("Tribes") and the United States as Trustee on behalf of the Tribes ("United States") jointly filed a *Motion for Enforcement of Fort Hall Indian Water Rights Consent Decree* ("Motion for Enforcement") in the above-captioned subcase.

3. On November 10, 2010, following a status and scheduling conference on both *Motions*, this Court issued an *Initial Scheduling Order Setting Forth Procedures on State's Motion for Accounting and United States' and Tribes' Joint Motion to Enforce*.

4. The *Initial Scheduling Order* required that the State of Idaho and the Tribes and the United States provide personal service of their respective *Motions* on all surface water claimants in Basin 27, together with a copy of the *Initial Scheduling Order*

by November 30, 2010.¹ On November 22, 2010, the State of Idaho and the United States and Tribes filed *Certificates of Service* with this Court evidencing service.

5. The *Initial Scheduling Order* further required that any parties wishing to object to the *Motion for Accounting* file a standard form entitled “Objection to State’s Motion for Accounting” on or before January 4, 2011, and that all parties wishing to participate in the *Motion to Enforce* filed a standard form entitled “Notice of Intent to Participate in the Motion to Enforce” on or before January 4, 2011.

6. On January 3, 2011, FMC Production, LLC filed an *Objection to State’s Motion for Accounting*, asserting that water right nos. 27-2162, 27-2050 and 27-2053 should be included in the list of water rights benefitting from the subordination provisions of the Fort Hall Consent Decree. No other objections to the *Motion for Accounting* were filed and the time for filing has expired.

7. Timely *Notices of Intent to Participate in the Motion to Enforce* were filed by the following claimants: The Committee of Nine, The Eastern Idaho Water Company, Gary and Sonja Wright, Marvin R. Yancey, Merlin Yancey, FMC Production, LLC, Brett McDaniel, Mark B. Pratt and Patrick J. Taney. No other notices of intent to participate were filed and the time for filing has expired.

II.

ORDER

THE FOLLOWING ARE HEREBY ORDERED:

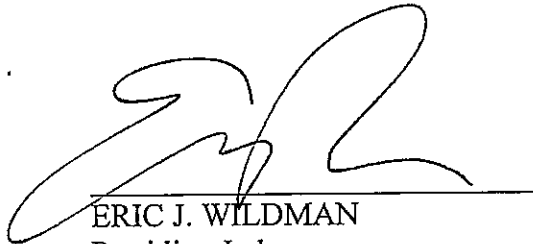
1. Scheduling Conference on Motion to Enforce: A scheduling conference on the *Motion to Enforce* is set for **Friday, February 11, 2011, at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing (“VTC”) will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

¹ Notice of the *Motions* and the *Initial Scheduling Order* was also accomplished via SRBA Docket Sheet Notice.

2. Scheduling Conference on *Motion for Accounting*: A scheduling conference on the *Motion to Accounting* is set for **Friday, February 11, 2011, at 1:30 p.m., at 1:30 p.m., at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

3. Certificate of Service: Until further order of the Court any filings in the above-captioned matter shall be served on those parties identified on the attached certificate of mailing. Following the scheduling conference the Court will determine the necessity of segregating issues into separate subcases and will change the certificate of service accordingly.

Dated January 6, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING SCHEDULING CONFERENCE ON MOTION TO ENFORCE AND MOTION FOR ACCOUNTING was mailed on January 06, 2011, with sufficient first-class postage to the following:

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