

RECEIVED

JUL 15 2011

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

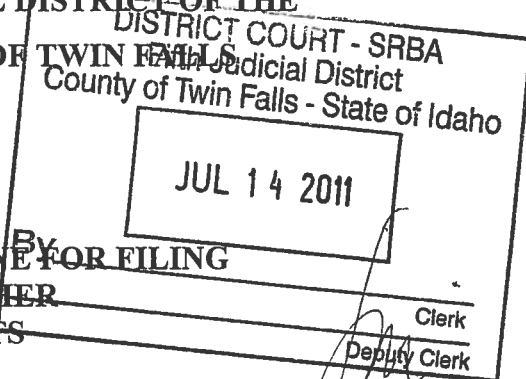
In Re SRBA

Case No. 39576

) Subcase No. 27-11375
) (*Motion for Accounting*)

) ORDER SETTING DEADLINE FOR FILING
) SF5, STIPULATION OR OTHER
) SETTLEMENT DOCUMENTS

) ORDER SETTING STATUS CONFERENCE
)



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 matter. The *Motion for Accounting* identified 223 water rights the state asserted were entitled to the subordination protections of paragraph 27-11375.x.d. of the Fort Hall Consent Decree and requested that a remark be included in each right memorializing the right to subordination.

On January 3, 2011, FMC Production LLC filed an *Objection to State's Motion for Accounting*, objecting to certain of its water right not being included in the state's list of water rights benefitting from the subordination provisions of the Fort Hall Consent Decree. On March 18, 2011, the Committee of Nine filed its *Response to the Content of the State's List of Rights*. In its *Response*, the Committee of Nine identified 23 water rights it asserted were not entitled to the protections of the Fort Hall Consent Decree.

On July 14, 2011, this Court entered a *Memorandum Decision and Order on Motion for Accounting* in resolution of the Committee of Nine's *Response* to the *Motion for Accounting*. Additionally, on June 27, 2011, the Shoshone-Bannock Tribes ("Tribes") filed a *Status Report Re: FMC Productions LLC's Objection to State of Idaho's Motion for Accounting*, wherein it was represented to the Court that the Tribes, the United States, and the State of Idaho have reached an agreement in resolution of FMC's *Objection*. However, as of the date of this *Order*,

ORDER SETTING DEADLINE FOR FILING SF5, STIPULATION OR OTHER SETTLEMENT DOCUMENTS;- 1 -
ORDER SETTING STATUS CONFERENCE

S:\ORDERS\Fort Hall Motions 27-11375\Order Setting Settlement Deadline and Status Conference.docx

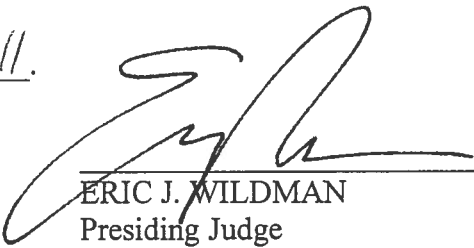
the Court has not received an SF5 or any other documentation filed in resolution of FMC's *Objection*.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. Deadline for Filing SF5, Stipulation, or other Settlement Documents: The SF5, stipulation, or other settlement documents to be utilized by the parties in resolution of FMC Production, LLC's *Objection* to the State's *Motion for Accounting* shall be filed **on or before July 29, 2011**.

2. Status Conference: A status conference on the *Motion for Accounting* is set for **August 2, 2011, at 3:30 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. The parties shall be prepared to discuss how the State's *Motion for Accounting* shall proceed going forward.

DATED: July 14, 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 DEADLINE FOR FILING SF5, STIPULATION OR OTHER SETTLEMENT DOCUMENTS - ORDER SETTING STATUS CONF was mailed on July 14, 2011, with sufficient first-class postage to the following:

ALMA HUBBARD
BLACKFOOT SPRINGS RANCH LLC
LEWIS BROTHERS INC
OHANESIAN & ASSOCIATES PROFIT
P4 PRODUCTION LLC

Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

COMMITTEE OF NINE

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BEAR LAKE GRAZING CO
P THOMAS BLOTTER FAMILY
STUCKI REVOCABLE TRUST

Represented by:
MARCHANT, LUKE H
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

NATURAL GUARDIAN LIMITED

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620
ORDER

PATRICK J TANEY

Represented by:
SCOTT E. AXLINE
PO BOX 100
BLACKFOOT, ID 83221
Phone: 208-785-6274

STATE OF IDAHO

Represented by:
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

U.S.A.

Represented by:
UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

FMC PRODUCTION LLC

Represented by:
WILLIAM G MYERS III
101 S CAPITOL BLVD, STE 1400
PO BOX 2527
BOISE, ID 83701-2527
Phone: 208-342-5000

EASTERN IDAHO WATER CO
ATTN: LARRY HINDERAGER PRES
434 W RIVERTON RD
BLACKFOOT, ID 83221
Phone: 208-785-5678

U S DEPARTMENT OF JUSTICE
ATTN: PETER C MONSON
INDIAN RESOURCES SECTION
999 18TH ST
DENVER, CO 80202
Phone: 303-844-1384

(Certificate of mailing continued)

LAKE FAMILY RANCHES INC
C/O DENNIS M LAKE
830 TABER RD
BLACKFOOT, ID 83221
Phone: 208-684-4967

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARK B PRATT
279 N 400 E
BLACKFOOT, ID 83221
Phone: 208-785-6597

BRETT MC DANIEL
631 W 225 S
BLACKFOOT, ID 83221
Phone: 208-785-7837

GARY & SONJA WRIGHT
673 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-3434

MARVIN R YANCEY
691 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-3610

MERLIN YANCEY
707 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-0908

ORDER

Page 2 7/14/11

FILE COPY FOR 00008

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".