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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

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

In Re SRBA

Case No. 39576

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

)
) SECOND ORDER SETTING DEADLINE FOR
) JOINT STATUS REPORT
)
)
)
)

NOV 30 2011

Clerk
Daryl Clerk

On September 27, 2011, the Court entered an *Order* directing that the parties file a joint status report with the Court on or before November 30, 2011, informing the Court of the following:

(1) Whether there is agreement between the parties as to whether *de minimis* domestic and stockwater water rights diverting from the Blackfoot River prior to January 1, 1990 are entitled to the protections of Paragraph 27-11375.x.d. of the *Fort Hall Consent Decree*,¹ or whether the issue needs to be decided by the Court, and

(2) The parties' recommendation as to the best manner to proceed in this matter going forward with respect to the State of Idaho's *Motion for Accounting* and the *Motion For Enforcement of Fort Hall Indian Water Rights Consent Decree* filed by the Shoshone-Bannock Tribes and the United States of America as Trustee on behalf of the Tribes.

On November 30, 2011, the parties filed an *Amended Joint Status Report Re: Motion for Accounting*, wherein the parties requested an additional 30-60 days to collect technical data necessary to come up with an estimate of the quantity of water diverted from the Blackfoot River by *de minimis* domestic and stockwater water rights prior to January 1, 1990.

¹ The term *Fort Hall Consent Decree* refers to the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* entered in Twin Falls County Case No. 39576 on August 2, 1995.

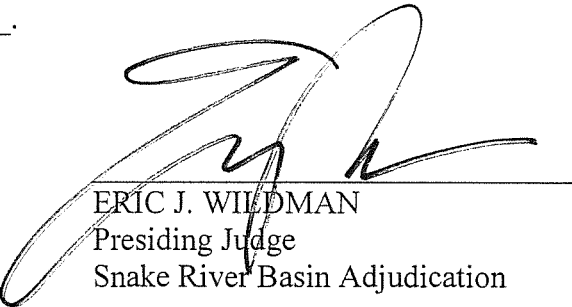
Therefore, IT IS HEREBY ORDERED that the parties shall file a joint status report with this Court **on or before January 30, 2012**, informing the Court of the following:

(1) Whether there is agreement between the parties as to whether *de minimis* domestic and stockwater water rights diverting from the Blackfoot River prior to January 1, 1990 are entitled to the protections of Paragraph 27-11375.x.d. of the *Fort Hall Consent Decree*,² or whether the issue needs to be decided by the Court, and

(2) The parties' recommendation as to the best manner to proceed in this matter going forward with respect to the State of Idaho's *Motion for Accounting* and the *Motion For Enforcement of Fort Hall Indian Water Rights Consent Decree* filed by the Shoshone-Bannock Tribes and the United States of America as Trustee on behalf of the Tribes.

IT IS SO ORDERED.

DATED: Nov. 30, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

² The term *Fort Hall Consent Decree* refers to the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* entered in Twin Falls County Case No. 39576 on August 2, 1995.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SECOND ORDER SETTING DEADLINE FOR JOINT STATUS REPORT was mailed on November 30, 2011, with sufficient first-class postage to the following:

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ORDER

(Certificate of mailing continued)

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