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DEPARTMENT OF
WATER RESOURCES

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

FEB - 2 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 No. 27-11375

) (*Motion for Accounting*)

Case No. 39576

)

) ORDER ON JANUARY 31, 2012 JOINT STATUS

) REPORT RE: MOTION FOR ACCOUNTING

)

)

)

)

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*¹ and requested that a remark be included in each right memorializing the right to subordination.

On August 2, 2011, a status conference on the *Motion for Accounting* was held before this Court to determine what issues, if any, remained unresolved under the *Motion*. At the status conference, the following issues were identified as being unresolved in this matter: (1) whether *de minimus* 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*; and (2) the form of the subordination remark to be placed in the *Partial Decrees* of each of the natural flow water rights benefitting from the subordination protection of Paragraph 27-11375.x.d. of the *Fort Hall Consent Decree*. The parties requested additional time to address the above-identified issues.

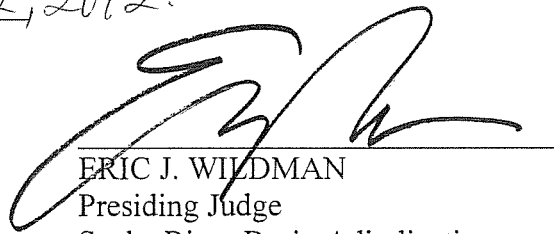
¹ The term *Fort Hall Consent Decree* refers to the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* entered in Twin Falls County Case No. 39576 on August 2, 1995.

On January 31, 2012, the United States, the Shoshone-Bannock Tribes and the State of Idaho filed a *Joint Status Report Re: Motion for Accounting*. In that *Report*, the parties agreed that *de minimus* domestic and stock water rights diverting from the Blackfoot River prior to January 1, 1990 are entitled to the protections of Paragraph 27-11375x.d of the *Fort Hall Consent Decree*. The parties further agreed that domestic and stock use rights will not be counted toward the 45,000 acre-feet per year from the Blackfoot River. Thus, the last remaining issue to be resolved is the form of the subordination remark to be placed in the *Partial Decrees* of each of the natural flow water rights benefitting from the subordination protection of Paragraph 27-11375.x.d. of the *Fort Hall Consent Decree*.

Therefore, IT IS HEREBY ORDERED that pursuant to the *Joint Status Report Re: Motion for Accounting* filed in the above-captioned matter on January 31, 2012, *de minimus* domestic and stock water rights diverting from the Blackfoot River prior to January 1, 1990 are entitled to the protections of Paragraph 27-11375x.d of the *Fort Hall Consent Decree*.

IT IS FURTHER ORDERED that pursuant to the *Joint Status Report Re: Motion for Accounting* filed in the above-captioned matter on January 31, 2012, *de minimus* domestic and stock use rights will not be counted toward the 45,000 acre-feet per year estimate from the Blackfoot River contained in Paragraph 27-11375x.d of the *Fort Hall Consent Decree*.

DATED: February 2, 2012.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON JANUARY 31, 2012 JOINT STATUS REPORT RE: MOTION FOR ACCOUNTING was mailed on February 02, 2012, with sufficient first-class postage to the following:

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ORDER

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