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DEPARTMENT OF
WATER RESOURCES

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**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
	)	
Case No. 39576	)	JOINT STATUS REPORT RE:
_____	)	MOTION FOR ENFORCEMENT

In accordance with the Court's Order Setting Deadline for Joint Status Report (entered February 24, 2012), the undersigned governmental parties respectfully submit this Joint Status Report.

The Court's Order asks the parties to "inform[] the court of whether the parties have reached a workable proposal to determine whether the 45,000 afy estimate is being exceeded, or whether the Court should schedule an evidentiary hearing on the issue consistent with this Court's June 3, 2011, *Memorandum Decision on Motions for Partial Summary Judgment and Instructions on Future Proceedings*." February 24, 2012 Order, at 1-2.

In answer to the Court's first inquiry, the question of whether the 45,000 afy estimate of non-Indian surface water use from the Blackfoot River is being exceeded is one which will vary from year-to-year, depending on a number of unpredictable factors, including the weather and the Blackfoot River water users' needs for irrigation water. Consequently, the parties have been exploring a system to "smooth out" fluctuations in supply and demand for water in a manner that is consistent with the spirit of the 1990 Fort Hall Indian Water Rights Settlement Agreement. The parties have agreed in principle upon an approach that utilizes the Blackfoot River Water Management Plan as a foundation and a credit and debit accounting system to ensure that Blackfoot non-Indian water users can continue to divert the historic cumulative volume diverted of their water rights while at the same time providing water to the Shoshone-Bannock Tribes in the event the cumulative volume diverted exceeds 45,000 AFY.

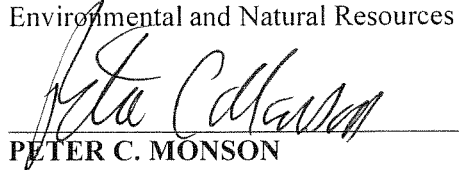
The parties have developed a "Term Sheet" of the proposed system, which they are reviewing with their respective clients.

For the foregoing reasons, the undersigned parties believe that it would be counterproductive for the Court to schedule an evidentiary hearing on the remaining issues raised by the Motion for Enforcement. All parties are actively negotiating in good faith and scheduling litigation at this time would be an unnecessary distraction.

Respectfully submitted this 23rd day of April, 2012.

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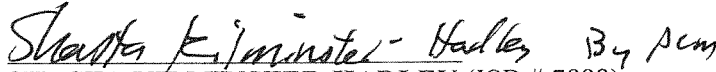


*By PCW
per email auth.*

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CERTIFICATE OF SERVICE

I certify that on April 23, 2012, I served true and correct copies of the foregoing JOINT STATUS REPORT RE: MOTIONS FOR ENFORCEMENT as follows:

via facsimile:

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