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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 16 2013	
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

Case No. 39576

) Subcase Nos.: 29-12049 and 29-12848
)
) ORDER GRANTING STATE OF
) IDAHO'S MOTION TO AMEND
) PARAGRAPH 29-12049.X.A. AND
) PARAGRAPH 29-12848.X.A. OF THE
) FORT HALL CONSENT DECREE
)
)
)

On August 30, 2013, the State of Idaho filed its *Motion to Amend Paragraph 29-12049.X.A and Paragraph 29-12848.X.A of the Fort Hall Consent Decree* in the above-captioned subcases. The *Motion* requested that this Court amend Paragraphs 29-12049.x.a. and 29-12848x.a. of the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River* ("Fort Hall Consent Decree") entered in the SRBA on August 2, 1995, to read as follows:

The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights 29-00476, 29-00477, 29-00480, 29-10990 and 29-13215 decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA will continue to receive their full legal entitlement under state law.

Motion, pp.1-2.

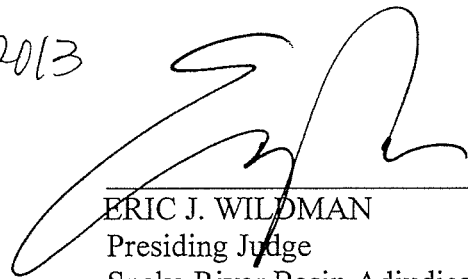
A hearing on the *Motion* was held on October 15, 2013. No party appeared in opposition to the *Motion*. Furthermore, counsel for the State of Idaho represented that all the signatory parties to the *The 1990 Fort Hall Indian Water Rights Agreement*, which resulted in the issuance of the *Fort Hall Consent Decree*, supported the *Motion*. Following a review of the file and after hearing the comments made in open court, the Court in an exercise of its discretion, and for the reasons stated orally on the record, granted the *Motion*.

However, the Court notes that on August 30, 2013, the United States, the Shoshone-Bannock Tribes, the State of Idaho, and the Committee of Nine of Water District 01 filed a *Joint Motion For An Accounting of All Ground Water Rights Entitled to the Protections of Paragraph 29-12052.X.C. of the Fort Hall Consent Decree* ("*Motion for Accounting*") in subcase no. 29-12052. Among other things, the *Motion for Accounting* moves this Court to make certain other amendments to the *Fort Hall Consent Decree* in addition to those contemplated in these subcases. That *Motion* is presently pending before the Court unresolved. Therefore, the Court will refrain from making the amendments to the *Fort Hall Consent Decree* granted in this matter until a determination is made by this Court on the *Motion for Accounting* in subcase no. 29-12052.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The State of Idaho's *Motion to Amend Paragraph 29-12049.X.A and Paragraph 29-12848.X.A. of the Fort Hall Consent Decree* **is hereby granted.**
2. The amendments to the *Fort Hall Consent Decree* contemplated by the *Motion to Amend Paragraph 29-12049.X.A and Paragraph 29-12848.X.A. of the Fort Hall Consent Decree* will be implemented after a determination is made by this Court on the *Motion for Accounting* filed in subcase no. 29-12052.

Dated October 16, 2013



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING STATE OF IDAHO'S MOTION TO AMEND TWO PARAGRAPHS OF THE FORT HALL CONSENT DECREE was mailed on October 16, 2013, with sufficient first-class postage to the following:

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