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JAN 20 2015

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 15 2015	
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

) ORDER SETTING
) STATUS / SCHEDULING
) CONFERENCE

) SUBCASE NOS.: 21-13161 AND
) 37-22806
)
)
)
)

An *Order of Reference* was issued in these subcases on January 9, 2015. The *Order of Reference* asks the Special Master to set these subcases. These subcases are claimed by the United States based on reservoir storage space vacated for flood control purposes. The United States explained that the claims are for supplemental beneficial use storage water rights with a junior priority which are used in conjunction with existing storage water rights. The supplemental storage water rights are claimed to allow the United States Bureau of Reclamation to complete one physical fill of its reservoirs in years when it must release stored water for flood control. It is proposed that refill of a reservoir occurs when water previously diverted into storage is released for the purpose of flood control, rather than being stored and delivered for beneficial use. The refill water would replace the released water.

The United States seeks supplemental storage water rights based on the storage and beneficial use of water prior to 1971. Many of the claimed elements of these supplemental storage rights are identical to the primary storage water rights, including points of diversion, places and purpose of use. However, the supplemental storage rights seek priority dates junior to that of the primary right. The priority date is based on the year in which the largest inflow to the reservoir occurred prior to 1971. The quantity claimed is the amount of that inflow. Finally, the supplemental storage rights are proposed with a remark to limit the quantity of water necessary to

complete one physical fill of the reservoir after water is released for flood control. *See, The United States' Memorandum in Support of Standard Form 4 Motions to File Late Notices of Claim* (Jan. 31, 2013)

In an *Order Granting in Part and Denying in Part Motion for Summary Judgment* in related subcases, Judge Wildman noted that establishing storage water rights under the constitutional beneficial use method presents unique obstacles. Claimants will present evidence in an effort to rebut the Director's recommendation of disallowance.

The court therefore requests that the parties be prepared to set dates and to discuss the following:

- 1) Trial dates to complete these subcases.
- 2) Discovery and other pre-trial deadlines.
- 3) The *prima facie* case for these rights.
- 4) The technical data necessary for trial and whether it is uncontroverted.
- 5) Other Stipulations of Fact.
- 6) Dates for parties to meet regarding technical data WITH EXPERTS.

Please be advised that Special Master Brigitte Bilyeu has set the following date in the above subcases:

February 4, 2015

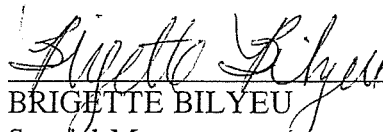
1:30 pm

Status / Scheduling Conference

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for the Status Conference by dialing 1-215-446-0193 and when prompted enter participant code 926509#. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

Dated: January 15, 2015.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING STATUS/ SCHEDULING CONFERENCE was mailed on January 15, 2015, with sufficient first-class postage to the following:

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USDI BUREAU OF RECLAMATION

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