

RECEIVED

NOV 12 2019

DEPARTMENT OF
WATER RESOURCES

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

NOV - 8 2019

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. (see attached list)
)
)
) NOTICE OF HEARING ON JOINT
) MOTION TO MODIFY PARTIAL
) DECREES WITH CORRECTED
) SUBCASE LIST

I.

BACKGROUND

1. The above-captioned water rights are storage water rights associated with federal reservoirs in the Upper Snake River Basin. Claims for the rights were filed by the United States Bureau of Reclamation in the Snake River Basin Adjudication ("SRBA").

2. The Director issued *Director's Reports* containing recommendations for the claims in the SRBA. *Objections* to the recommendations were filed by various parties.

3. On January 30, 2015, the parties filed a *Stipulation* wherein they resolved the *Objections*. The *Stipulation* became effective on November 16, 2015.

4. On August 17, 2016, the Court entered *Partial Decrees* for the rights based upon, and consistent with, the parties' *Stipulation*. *Amended Partial Decrees* were entered pursuant to Idaho Rule of Civil Procedure 60(a) on March 29, 2017, for the limited purpose of correcting various clerical errors contained in the *Partial Decrees*.

5. On October 30, 2019, a *Joint Motion to Modify Partial Decrees* was filed by the Surface Water Coalition, Upper Valley Storage Holders, The Coalition of Cities, Idaho Power Company, Aberdeen-Springfield Canal Company, Palisades Water Users, Inc. and the City of

Idaho Falls (collectively "PWUI"), the Shoshone-Bannock Tribes, and the City of Pocatello (hereinafter, "*Joint Motion*").¹

6. The *Joint Motion* seeks to modify the *Amended Partial Decree* entered for water right number 01-219 to add the following remark under the quantity element: "The rate of diversion to storage shall be limited to 2,500 cfs from September 15th through and including October 15th."

7. Additionally, the *Joint Motion* seeks to modify the *Amended Partial Decrees* for all of the above-captioned water rights to include the following remark under the other provisions element:

September 15th shall begin the annual period for water right accounting in the Upper Snake River Basin upstream of Milner Dam. The September 15th beginning date for this annual period is known as the "reset date" for reservoir volumes. The "reset date" allows previously satisfied reservoir water right volumes to begin filling again for the next annual storage volume period. The annual storage volume period will extend from September 15th to the following September 14th. Consistent with Section 8.3 of the 1990 Fort Hall Indian Water Rights Agreement, nothing in this provision is intended to impact the rights described and administered pursuant to that Section.

8. The *Joint Motion* is filed pursuant to Administrative Order 1 and Idaho Rule of Civil Procedure 60(b)(6).

II.

ORDER

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. Notice is hereby given that a hearing on the *Joint Motion* is set for **January 21, 2020, at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-720-279-0026 and entering 786692# when prompted. However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to

¹ The term "Surface Water Coalition" refers collectively to A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company. The term "Upper Valley Storage Holders" refers collectively to Fremont Madison Irrigation District, Idaho Irrigation District, North Fork Reservoir Company, and New Sweden Irrigation District. The term "Coalition of Cities" refers collectively to the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell.

accurately record. Video teleconferencing ("VTC") will also be available by appearing at (1) the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho, or (2) the Idaho Department of Water Resources, Eastern Regional Office, 900 N. Skyline Drive, Ste. A, Idaho Falls, Idaho.

2. Responses to the *Joint Motion* shall be filed on or before December 16, 2019.
3. Replies to responses shall be filed on or before December 31, 2019.

IT IS SO ORDERED.

DATED: Nov. 8, 2019.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

Subcase Nos:

01-00219
01-02064
01-02068
01-04055
01-10042
01-10043
01-10044
01-10045
01-10620
01-10621A
01-10621B
01-10622
01-10623
21-02156
21-04155
21-10560
21-13161
21-13194
25-07004
25-14413A
25-14413B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING ON JOINT MOTION TO MODIFY PARTIAL DECREES WITH CORRECTED SUBCASE LIST was mailed on November 08, 2019, with sufficient first-class postage to the following:

A. DEAN TRANMER
CITY OF POCA TELLO
PO BOX 4169
POCA TELLO, ID 83201
Phone: 208-234-6148

ANDREW J WALDERA
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707
Phone: 208-629-7447

C THOMAS ARKOOSH
ARKOOSH LAW OFFICES
802 W BANNOCK ST SUITE 900
PO BOX 2900
BOISE, ID 83701
Phone: 208-334-5105

CHARLES F MC DEVITT
PO BOX 1543
BOISE, ID 83701-1543
Phone: 208-412-5250

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

CHRISTOPHER H MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CRAIG D HOBDEY
HOBDEY LAW OFFICE PLLC
125 5TH AVE
PO BOX 176
GOODING, ID 83330-0176
Phone: 208-934-4429

JAMES C TUCKER
IDAHO POWER CO
1221 W IDAHO ST
ORDER

PO BOX 70
BOISE, ID 83707-0070
Phone: 208-388-2112

JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

JOHN K SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

MICHAEL P LAWRENCE
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

PAUL L ARRINGTON
163 2ND AVENUE WEST
PO BOX 63
TWIN FALLS, ID 83303-0063
Phone: 208-733-0700

RANDALL C BUDGE
201 E CENTER ST STE A2
PO BOX 1391
POCA TELLO, ID 83204-1391
Phone: 208-232-6101

ROGER D LING
PO BOX 623
RUPERT, ID 83350-0623
Phone: 208-434-2717

SARAH A KLAHN
SOMACH SIMMONS & DUNN
2033 11TH ST, STE 5
BOULDER, CO 80302
Phone: 303-449-2834

SHELLEY M DAVIS
1010 W JEFFERSON ST STE 102
PO BOX 2139

(Certificate of mailing continued)

BOISE, ID 83701-2139
Phone: 208-336-0700

TRAVIS L THOMPSON
163 2ND AVENUE WEST
PO BOX 63
TWIN FALLS, ID 83303-0063
Phone: 208-733-0700

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250

WILLIAM F BACON
SHOSHONE-BANNOCK TRIBES
TRIBAL COUNSEL OFFICE
PO BOX 306
FORT HALL, ID 83203-0306
Phone: 208-478-3822

UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234
Phone: 208-378-5322

EDMUND C GOODMAN
HOBBS STRAUS DEAN & WALKER LLP
516 SE MORRISON ST STE 1200
PORTLAND, OR 97214
Phone: 503-242-1745

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 2 11/08/19

FILE COPY FOR 00043

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".