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DEPARTMENT OF
WATER RESOURCES



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 SECOND
) 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 conferencing ("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: Dec. 6, 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
21-02154
21-02156
21-02161
21-04155
21-10560
21-12946
21-13161
21-13193
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 SECOND CORRECTED SUBCASE LIST was mailed on December 06, 2019, with sufficient first-class postage to the following:

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