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DEPARTMENT OF
WATER RESOURCES

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Attorneys for the State of Idaho

**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 Nos. See attachment
	)	
Case No. 39576	)	AFFIDAVIT OF
	)	ANTHONY S. OLENICHAK
	)	
	)	

STATE OF IDAHO	)
	) ss.
County of Bonneville	)

ANTHONY S. OLENICHAK, having been duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 years and competent to testify as to the matter discussed below.
2. I am the Watermaster of Water District 01. I have held this position since May 6, 2019. My duties and responsibilities as Watermaster include, among other things,

overseeing the distribution of natural flow and storage water to diversions in Water District 01, and overseeing and supervising the operation, maintenance, and improvement of the Water District 01 water rights accounting system.

3. Prior to becoming Watermaster, I was the Water District 01 Program Manager, a position I held for approximately 14 years. My duties and responsibilities as Program Manager included, among other things, operating, maintaining, and improving the Water District 01 water rights accounting system.
4. In October 2017, the Director of the Idaho Department of Water Resources sent a letter to Lyle Swank, who at that time was the Water District 01 Watermaster, that instructed Watermaster Swank “to recharacterize any flow accrued to the Snake River Reservoirs subsequent to September 15, 2017, as natural flow that was available for diversion by junior water rights,” and that “[d]elivery of water to satisfy the onstream Snake River Reservoir water rights shall begin on January 1, 2018.” A copy of this letter is attached to this affidavit as “Exhibit A.”
5. Changes were made to the Water District 01 water rights accounting system that were necessary to implement the instructions in the Director’s letter.
6. The Water District 01 water rights accounting system is capable of producing daily summaries of “Flow Accounting,” which can be printed. Attached this affidavit as Exhibit B are three such daily flow accounting summaries that I caused to be printed: one for December 31, 2017, another for January 1, 2018, and the last for May 31, 2018. I made the red marks (underlining) that can be seen in certain places on these printouts.

7. These printouts show that all of the on-stream reservoir storage water rights in Water District 01 were satisfied in 2018, even though the “reset” date had been moved from September 15, 2017 to January 1, 2018, pursuant to the instructions in the Director’s letter.
8. To explain:
 - a. The water right volume of each reservoir water right (AF RIGHT column) and the amount of storage accrued to each reservoir water right (AF STORED) is shown in the lower right-hand corner of each daily printout.
 - b. The December 31, 2017 printout shows that all the reservoir water rights had accrued 100% fill to their rights (that is, the values in the AF STORED column are the same as those in the AF RIGHT column), and that they had not been “reset” at the end of the irrigation season, because they remained filled on the last day of the year.
 - c. The printout for the next day, January 1, 2018, shows that the reservoir water rights were “reset” on that date, because for some reservoir water right accounts (American Falls, Grassy Lake, Palisades-1939, Ririe, and Palisades Powerhead) the AF STORED values are less than the AF RIGHT values. None of the AF STORED values are “zero” because at “reset” any water physically stored in the reservoir system is immediately counted as “accruals” towards the AF STORED of the storage water right or rights that are in priority. In a good year such as 2017, therefore, some of the reservoir water rights will be “reset” and “fill” on the same day.

d. The unfilled storage rights on January 1, 2018 continued to accrue additional fill from January 1, 2018 through May 31, 2018, on which day all the reservoir storage rights had accrued 100% of their water right volumes. The May 31, 2018 attached printout shows that the AF RIGHT volumes and the AF STORED volumes are equal on this day, meaning they had accrued 100% of their water right volumes. The USBR subsequently spilled water past Milner for flood control and storage allocation fill needed to be reduced for the Jackson and Palisades Reservoir storage accounts to match the reservoir system contents when the space evacuated for flood control failed to completely refill under the priorities of the refill water rights.

9. "Reset" in the latter half of 2018 and 2019 was done according to stipulations among the parties to the Department's contested case regarding "reset," as the Director ordered. The Director's "reset" orders are attached to this affidavit as "Exhibit C."

10. Further your affiant sayeth naught.

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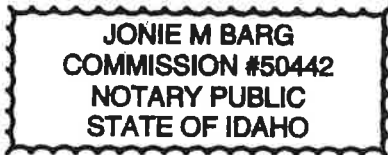
///

DATED this 11th day of December, 2019.

Anthony S. Olenichak

ANTHONY S. OLENICHAK

SUBSCRIBED AND SWORN to before me this 11 day of December 2019.



Jonie M BARG

Notary Public for Idaho

Residing at: Idaho Falls Idaho

My commission expires: July 24, 2024

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this ____th day of December 2019, I caused the foregoing *Affidavit of Anthony S. Olenichak* to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

NOTED
FILED
NOV 28 2019
CLERK OF COURT
JULIA A. HARRIS

Exhibit A



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 27, 2017

Transmitted via U.S. Mail and E-mail

Lyle Swank
Water District 01 Watermaster
900 N. Skyline Drive Suite A
Idaho Falls, ID 83402-1718
lyle.swank@idwr.idaho.gov

Re: Reset of Reservoir Water Rights and Recharge

Dear Lyle,

The Bureau of Reclamation has informed IDWR and spaceholders that adherence to the winter water savings provisions of storage contracts will not be required during the fall and winter of 2017/2018 and the winter and spring of 2017/2018. The Bureau of Reclamation anticipates that 800 cubic feet per second (cfs) will be available to divert from the Snake River above American Falls Reservoir for managed recharge.

I understand that all of the water rights authorizing onstream storage of Snake River water and tributary water (hereafter referred to as "Snake River water") were satisfied in 2017. I also understand that Water District 01 staff reset the onstream Snake River storage water rights to again be eligible for distribution for additional storage on September 15, 2017. As a result, Water District 01 has been distributing available natural flow to the Snake River onstream storage water rights.

Currently, the water rights authorizing storage of water in American Falls Reservoir have not been satisfied.

The decreed water rights authorizing onstream storage of Snake River water identify a season of use of January 1 through December 31. The question of how the season of use defined by the decrees interacts with a reset date earlier than January 1 is the subject of a contested case now pending before the Director.

Without having received evidence in the contested case to determine when a reset date might be appropriate, the Director must consult the four corners of the storage right decrees to determine the season of use for these rights. The decrees identify a season of use of January 1 through December 31. As a result, the Water District 01 should not have reset the reservoir rights to start accruing again prior to January 1.

Lyle Swank
Water District 01 Watermaster
October 27, 2017
Page 2

This letter instructs you to recharacterize any flow accrued to the Snake River Reservoirs subsequent to September 15, 2017, as natural flow that was available for diversion by junior water rights. Delivery of water to satisfy the onstream Snake River Reservoir water rights shall begin on January 1, 2018.

If you have questions about this instruction, please call me. Thanks.

Sincerely,



Gary Spackman

cc: Albert Lockwood, Chairman, Committee of Nine
Brian Patton, IDWR

Exhibit B

REACH FLOWS IN CFS		ACTUAL DATE	NATURAL FLOW	ACTUAL REMAINING FLOW	NAT FLOW	PWR&EXCH FLOW	STORED FLOW	RESERVOIR EVAP	NATURAL FLOW DIV	TOTAL RCH DIV	REACH GAIN	LAST RIGHT
1	TO MORAN	Dec 27	588.	617.	588.	0.	30.	0.	0.	0.	588.	19210331
33	MORAN TO ALPINE	Dec 27	2121.	2150.	2121.	0.	30.	0.	0.	0.	1533.	19210331
34	SALT RIVER ABV RES	Dec 27	603.	603.	603.	0.	0.	0.	0.	0.	603.	19210331
35	GREYS RIVER ABV RES	Dec 27	313.	313.	313.	0.	0.	0.	0.	0.	313.	19210331
2	ALPINE TO IRWIN	Dec 28	3523.	3570.	3523.	0.	47.	0.	0.	0.	486.	19210331
3	IRWIN TO HEISE	Dec 28	4033.	4080.	4033.	0.	47.	0.	0.	0.	510.	19210331
4	HEISE TO BLW DRY BED	* Dec 28	4033.	3998.	4033.	0.	-35.	0.	0.	0.	0.	19210331
22	BLW DRY BED TO LORENZO	Dec 28	3564.	3550.	3564.	0.	-14.	0.	12.	-469.	19210331	
11	TO HENRYS LAKE	Dec 25	51.	43.	51.	0.	-8.	0.	0.	0.	51.	19210331
12	HENRYS L TO ISLAND PARK	Dec 26	543.	512.	543.	0.	-31.	0.	0.	0.	493.	19210331
33	ISLAND PARK TO ASHTON	Dec 27	1251.	1220.	1251.	0.	-31.	0.	0.	0.	708.	19210331
30	ASHTON TO AB FALLS RIVER	* Dec 27	1251.	1220.	1251.	0.	-31.	0.	0.	0.	0.	19210331
4	TO GRASSY LAKE	Dec 27	4.	0.	4.	0.	0.	0.	0.	0.	4.	19210331
15	GRASSY LK TO ABV YELLOW	Dec 27	567.	563.	567.	0.	-4.	0.	0.	0.	563.	19210331
16	ABV YELLOW TO CHESTER	Dec 27	664.	600.	604.	0.	-4.	0.	60.	97.	19210331	
7	AB FALLS R TO ST ANTHONY	Dec 27	2142.	2170.	2070.	0.	100.	0.	12.	227.	19210331	
10	ST ANTHONY TO AB NF TETN	* Dec 27	2142.	2140.	2070.	0.	70.	0.	0.	30.	0.	19210331
8	AB S LEIGH TO ST ANTHONY	Dec 27	409.	409.	409.	0.	0.	0.	0.	0.	409.	19210331
9	ST ANTH TO TETON FORKS	Dec 27	312.	306.	306.	0.	0.	0.	6.	6.	-97.	19210331
17	TETON FORKS TO MOUTH	* Dec 27	312.	304.	304.	0.	0.	0.	2.	2.	0.	19210331
20	AB NF TETN TO REXBURG	Dec 28	2330.	2320.	2250.	0.	70.	0.	0.	0.	-124.	19210331
11	LORENZO TO MENAN	Dec 28	5896.	5990.	5816.	0.	174.	0.	0.	3.	19210331	
5	MENAN TO NR IDAHO FALLS	Dec 28	5435.	5540.	5355.	0.	185.	0.	0.	0.	-461.	19210331
16	NR ID FALLS TO AB WLW CR	* Dec 28	5435.	5540.	5355.	0.	185.	0.	0.	0.	0.	19210331
33	WILLOW CRK BLW TEX CREEK	Dec 28	53.	53.	53.	0.	0.	0.	0.	0.	53.	19210331
44	BLW TEX CREEK TO NR RIRI	Dec 28	53.	0.	53.	0.	-53.	0.	0.	0.	0.	19210331
25	NR RIRIE TO FDMY NR UCON	Dec 28	53.	0.	53.	0.	-53.	0.	0.	0.	0.	19210331
18	FDMY NR UCON TO END	* Dec 28	53.	0.	53.	0.	-53.	0.	0.	0.	0.	19210331
1	WILLOW CRK TO SHELLEY	Dec 29	5998.	5730.	5918.	0.	-188.	0.	0.	0.	510.	19210331
6	SHELLEY TO AT BLACKFOOT	Dec 29	5273.	5220.	5193.	0.	27.	0.	0.	0.	-725.	19210331
22	AT BLKFOOT TO BLW BLKFT	* Dec 29	5273.	5220.	5193.	0.	27.	0.	0.	0.	0.	19210331
38	BLW BLKFT TO NR BLKFOOT	Dec 30	5518.	5170.	5438.	0.	-268.	0.	0.	0.	245.	19210331
19	PORTNEUF R AT POCATELLO	Dec 30	263.	263.	263.	0.	0.	0.	0.	0.	263.	19210331
7	NR BLACKFOOT TO NEELEY	Dec 31	8317.	7260.	2235.	0.	5025.	0.	6002.	0.	2536.	19210331
8	NEELEY TO MINIDOKA	Dec 31	8782.	7690.	0.	2700.	4990.	0.	0.	0.	465.	19210331
9	MINIDOKA TO MILNER	Jan 1	8623.	7410.	2541.	0.	4870.	0.	0.	239.	-160.	20180202
* - INDICATES FLOW ESTIMATED, NOT MEASURED							TOTALS	6082.	0.	362.	8623.	

RESERVOIR		PREVIOUS AF	CURRNT AF	CHNG CFS	ACCRD CFS	TOTAL AF	EVAP AF	PRIORITY	RESERVOIR	AF RIGHT	AF STORED
1	JACKSON LAKE	656146.0	655910.0	-119.0	0.0	847000.0	0.0	1	JACKSON LAKE 1906	298981.0	298981.0
2	PALISADES	1154904.0	1154904.0	0.0	0.0	1259920.0	0.0	2	LAKE WALCOTT	95200.0	95200.0
3	HENRYS LAKE	82170.0	82170.0	0.0	0.0	90000.0	0.0	3	JACKSON LAKE 1910	138829.0	138829.0
4	ISLAND PARK	118398.0	118398.0	0.0	0.0	135000.0	0.0	4	JACKSON LAKE 1913	409190.0	409190.0
5	GRASSY LAKE	12965.0	12968.0	1.5	0.0	12298.0	0.0	5	HENRYS LAKE 1917	79350.0	79350.0
6	RIRIE	43099.0	43218.0	60.0	0.0	79562.7	0.0	6	PALISADES WWS	259600.0	259600.0
7	AMERICAN FALLS	1434031.0	1432865.0	-587.8	6002.1	1240875.5	0.0	7	ISLAND PARK 1921	45000.0	45000.0
8	LAKE WALCOTT	89238.0	89591.0	178.0	0.0	95200.0	0.0	8	AMERICAN FLS WWS	156830.0	156830.0
9	LAKE MILNER	34460.0	34240.0	-110.9	0.0	0.0	0.0	9	AMERICAN FALLS	1515760.0	1084045.5
TOTAL		3625411.0	3624264.0	-578.3	6002.1	3759856.2	0.0	10	ISLAND PARK 1935	90000.0	90000.0
CHANGE IN CONTENT		-1147.0	558.8	9658.7	3759856.2	34460.0	-1314.0	11	GRASSY LAKE	15204.0	13298.0
YEAR-TO-DATE AF		-1147.0	558.8	9658.7	3759856.2	34460.0	-1314.0	12	PALISADES 1939	940400.0	845148.1
								13	HENRYS LAKE 1965	10650.0	10650.0
								14	RIRIE	80500.0	79562.7
								15	PALISADES PWRHD	157000.0	155171.9
								16	RENTAL LTF	0.0	0.0

20190318

WATER DISTRICT 01 - SNAKE RIVER FLOW ACCOUNTING (VER 2.1.2.25) - May 31, 2018

REACH FLOWS IN CFS	ACTUAL DATE	NATURAL FLOW	ACTUAL FLOW	ACTUAL REMAINING PWR&EXCH FLOW	STORED RESERVOIR FLOW	EVAP FLOW	NATURAL FLOW DIV	TOTAL RCH DIV	REACH GAIN	LAST RIGHT
1 TO MORAN	May 26	11305.	7060.	11305.	0.	-4245.	0.	0.	11305.	20180202
33 MORAN TO ALPINE	May 26	29845.	25600.	29845.	0.	-4245.	0.	0.	18540.	20180202
34 SALT RIVER ABV RES	May 26	2030.	2030.	2030.	0.	0.	0.	0.	2030.	20180202
35 GREYS RIVER ABV RES	May 26	3610.	3610.	3610.	0.	0.	0.	0.	3610.	20180202
2 ALPINE TO IRWIN	May 27	37687.	19400.	37687.	0.	-18287.	57.	0.	2202.	20180202
3 IRWIN TO HEISE	May 27	38389.	20100.	38388.	0.	-18288.	0.	1.	702.	20180202
4 HEISE TO BLW DRY BED	* May 27	38389.	15400.	34253.	0.	-18853.	0.	4135.	0.	20180202
32 BLW DRY BED TO LORENZO	May 27	37898.	14200.	33249.	0.	-19049.	0.	513.	-491.	20180202
11 TO HENRYS LAKE	May 24	220.	56.	220.	0.	-165.	0.	0.	220.	20180202
12 HENRYS L TO ISLAND PARK	May 25	1617.	1690.	1617.	0.	73.	49.	0.	1397.	20180202
13 ISLAND PARK TO ASHTON	May 26	2772.	2840.	2768.	0.	72.	0.	5.	1155.	20180202
30 ASHTON TO AB FALLS RIVER	* May 26	2772.	2826.	2753.	0.	72.	0.	14.	0.	20180202
14 TO GRASSY LAKE	May 26	68.	80.	31.	0.	49.	0.	37.	0.	20180202
15 GRASSY LK TO ABV YELLOW	May 26	3238.	3250.	3201.	0.	49.	0.	0.	3170.	20180202
16 ABV YELLOW TO CHESTER	May 26	3489.	3200.	3154.	0.	46.	0.	298.	251.	20180202
17 AB FALLS R TO ST ANTHONY	May 26	6419.	5490.	5438.	0.	53.	0.	627.	157.	20180202
10 ST ANTHONY TO AB NF TETN	* May 26	6419.	4942.	4889.	0.	53.	0.	548.	0.	20180202
18 AB S LEIGH TO ST ANTHONY	May 26	3860.	3920.	3841.	0.	80.	0.	19.	3860.	20180202
19 ST ANTH TO TETON FORKS	May 26	3794.	3300.	3221.	0.	80.	0.	554.	-66.	20180202
47 TETON FORKS TO MOUTH	* May 26	3794.	3263.	3183.	0.	80.	0.	37.	0.	20180202
20 AB NF TETN TO REXBURG	May 27	10768.	8760.	8628.	0.	132.	0.	0.	555.	20180202
21 LORENZO TO MENAN	May 27	47883.	23100.	41095.	0.	-17995.	0.	0.	-783.	20180202
5 MENAN TO NR IDAHO FALLS	May 27	48563.	32200.	40479.	0.	-17279.	0.	1295.	679.	20180202
36 NR ID FALLS TO AB WLM CR	* May 27	48563.	22958.	40236.	0.	-17278.	0.	243.	0.	20180202
23 WILLOW CRK BLW TEX CREEK	May 27	214.	214.	214.	0.	0.	0.	0.	214.	20180202
24 BLW TEX CREEK TO NR RIRI	May 27	214.	171.	214.	0.	-43.	0.	0.	0.	20180202
25 NR RIRIE TO FDWY NR UCON	May 27	291.	376.	291.	0.	85.	0.	473.	77.	20180202
28 FDWY NR UCON TO END	* May 27	291.	376.	291.	0.	85.	0.	0.	0.	20180202
31 WILLOW CRK TO SHELLEY	May 28	50008.	23100.	41196.	0.	-18096.	0.	486.	1155.	20180202
6 SHELLEY TO AT BLACKFOOT	May 28	47978.	19300.	37034.	0.	-17734.	0.	2132.	-2030.	20180202
22 AT BLKFOOT TO BLW BLKFT	* May 28	47978.	19159.	36893.	0.	-17734.	0.	141.	0.	20180202
38 BLW BLKFT TO NR BLKFOOT	May 29	49221.	19700.	38135.	0.	-18435.	0.	0.	1242.	20180202
39 PORTWUEF R AT POCATELLO	May 29	322.	322.	322.	0.	0.	0.	0.	322.	20180202
7 NR BLACKFOOT TO NEELEY	May 30	52032.	19800.	40846.	0.	-21046.	0.	100.	2489.	20180202
8 NEELEY TO MINIDOKA	May 30	52720.	18900.	39701.	0.	-20801.	0.	1834.	689.	20180202
9 MINIDOKA TO MILNER	May 31	52299.	10600.	31688.	0.	-21088.	0.	7592.	-421.	20180202
* - INDICATES FLOW ESTIMATED, NOT MEASURED										
TOTALS					20611.	21320.				

RESERVOIR	PREVIOUS AF	CURRNT AF	CHNG CFS	ACCRED CFS	TOTAL AF	EVAP AF	PRIORITY	RESERVOIR	AF RIGHT	AF STORED
1 JACKSON LAKE	749259.0	756736.0	3769.6	0.0	847000.0	0.0	1	JACKSON LAKE 1906	298981.0	298981.0
2 PALISADES	917908.0	943889.0	13098.6	0.0	1357000.0	4589.6	2	LAKE WALCOTT	95200.0	95200.0
3 HENRYS LAKE	89310.0	89440.0	65.5	0.0	90000.0	0.0	3	JACKSON LAKE 1910	138829.0	138829.0
4 ISLAND PARK	136164.0	135603.0	-282.8	0.0	135000.0	2022.2	4	JACKSON LAKE 1913	409190.0	409190.0
5 GRASSY LAKE	15358.0	15321.0	-18.7	36.8	15204.0	0.0	5	HENRYS LAKE 1917	79350.0	79350.0
6 RIRIE	81003.0	80908.0	-47.9	0.0	80500.0	857.5	6	PALISADES WWS	259600.0	259600.0
7 AMERICAN FALLS	1660461.0	1664700.0	2137.1	0.0	1672590.0	5759.1	7	ISLAND PARK 1921	45000.0	45000.0
8 LAKE WALCOTT	89591.0	88700.0	-449.2	0.0	95200.0	6827.8	8	AMERICAN FLS WWS	156830.0	156830.0
9 LAKE MILNER	42480.0	42540.0	30.2	0.0	0.0	0.0	9	AMERICAN FALLS	1515760.0	1515760.0
TOTAL	3781534.0	3817837.0	18302.5	36.8	4292494.0	20056.1	10	ISLAND PARK 1935	90000.0	90000.0
CHANGE IN STORAGE							11	GRASSY LAKE	15204.0	15204.0
CONTENT							12	PALISADES 1939	940400.0	940400.0
192426.0	167115.1	863813.9	4292494.0	695183.9	-1641.4		13	HENRYS LAKE 1965	10650.0	10650.0
YEAR-TO-DATE AF							14	RIRIE	80500.0	80500.0
							15	PALISADES PWRHD	157000.0	157000.0
							16	RENTAL LTF	0.0	0.0

Exhibit C

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION
REGARDING STORAGE RESET IN
WATER DISTRICT 01 FILED BY MILNER
IRRIGATION DISTRICT

Docket No. P-WRA-2017-002

**INTERLOCUTORY ORDER
ACCEPTING 2018 SETTLEMENT**

BACKGROUND

On April 30, 2018, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued an order staying this matter until June 4, 2018. The Director also ordered the parties to submit a joint draft agreement for a one-year reset of the storage water rights for the fall of 2018 by June 4, 2018.

On May 23, 2018, the parties submitted to the Director an *Interim Stipulation and Motion for Order to Approve* ("2018 Settlement"). The parties ask the Director to issue an order accepting the 2018 Settlement for the 2018 calendar year and instruct the Water District 01 watermaster to:

- 1) reset storage accounts and begin accounting for and distributing, in priority, natural flow to reservoir storage rights as of September 15, 2018, for the next annual storage volume period, and
- 2) limit the rate of diversion to storage of the Lake Walcott storage water right 1-219 to 2,500 cfs from September 15 through and including October 15.

2018 Settlement at 3.

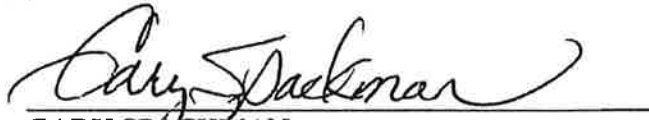
The Department's Rules of Procedure authorize the Director to consider and accept settlement proposals. *See* IDAPA 37.01.01.612-614. The Director has considered and will accept the 2018 Settlement for the calendar year.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the 2018 Settlement is ACCEPTED for the 2018 calendar year. The Water District 01 watermaster is instructed to:

- 1) reset storage accounts and begin accounting for and distributing, in priority, natural flow to reservoir storage water rights¹ as of September 15, 2018, for the next annual storage volume period, and
- 2) limit the rate of diversion to storage of the Lake Walcott storage water right 1-219 to 2,500 cfs from September 15 through and including October 15.

DATED this 1st day of June 2018.


GARY SPACKMAN
Director

¹ The reservoir storage water rights are: 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 1-10401, 1-10620, 1-10621A, 1-10621B, 1-10622, 1-10623, 21-2156, 21-4155, 21-10560, 21-13161, 21-13194, 21-2154, 21-2161, 21-12946, 21-13193, 25-7004, 25-14413A, and 25-14413B.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of June 2018, I served a true and correct copy of the foregoing document by the method(s) indicated to the following:

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Kimi White

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION
REGARDING STORAGE RESET IN
WATER DISTRICT 01 FILED BY MILNER
IRRIGATION DISTRICT

Docket No. P-WRA-2017-002

**INTERLOCUTORY ORDER
ACCEPTING 2019 SETTLEMENT
AND EXTENDING STAY ORDER**

BACKGROUND

On August 23, 2019, the parties submitted to the Director an *Interim 2019 Stipulation and Joint Motion for Order Approving Stipulation / Joint Motion for Stay* ("2019 Interim Stipulation"). The 2019 Interim Stipulation requests the Director stay this matter in order to allow the parties to seek relevant relief from the Snake River Basin Adjudication Court in the fall of 2019. In order to allow interim resolution of the reset issue, the parties ask the Director to issue an order accepting the 2019 Interim Stipulation for the 2019 calendar year and instruct the Water District 01 watermaster to:

- 1) Reset storage accounts and begin accounting for and distributing, in priority, natural flow to reservoir storage rights as of October 1, 2019, for the next annual storage volume period.

2019 Interim Stipulation at 3.

The parties further discussed and explained the 2019 Interim Stipulation to the Department at the August 28, 2019, status conference in this matter and verbally requested the Director approve it.

The Department's Rules of Procedure authorize the Director to consider and accept settlement proposals. *See* IDAPA 37.01.01.612-614. The Director has considered and will accept the 2019 Interim Stipulation for the fall of 2019 and stay this proceeding.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the contested case in this matter is STAYED until issuance of a decision from the SRBA Court in relation to the subordination of Reclamation's Lake Walcott water right.

IT IS FURTHER ORDERED that the 2019 Interim Stipulation is ACCEPTED for the 2019 calendar year. The Water District 01 watermaster is instructed to:

- 1) Reset storage accounts and begin accounting for and distributing, in priority, natural flow to reservoir storage water rights¹ as of October 1, 2019, for the next annual storage volume period.

DATED this 11th day of September 2019.



GARY SPACKMAN
Director

¹ The reservoir storage water rights are: 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 1-10401, 1-10620, 1-10621A, 1-10621B, 1-10622, 1-10623, 21-2156, 21-4155, 21-10560, 21-13161, 21-13194, 21-2154, 21-2161, 21-12946, 21-13193, 25-7004, 25-14413A, and 25-14413B.

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I HEREBY CERTIFY that on this 11 day of September 2019, I served a true and correct copy of the foregoing document by U.S. mail, postage prepaid to the following:

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Kimberle English

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I certify that on this 20th day of December, 2019, I caused the foregoing *Affidavit of Anthony S. Olenichak* to be filed with the Court and copies served on the following by the methods indicated:

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