

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	
) ORDER AMDENDING PROCEDURES IN THE
Case No. 39576) SRBA FOR ADJUDICATION OF DEFERRED
) DE MINIMIS STOCKWATER CLAIMS
)

I.

BACKGROUND

- 1. On June 28, 2012, the Court entered an *Order* establishing the procedure in the Snake River Basin Adjudication for adjudication of deferred *de minimis* domestic and stockwater claims.
- 2. Effective July 1, 2017, the legislature amended Idaho Code § 42-1414. The amendment affects the procedure for adjudication of deferred *de minimis* stockwater claims as set forth in the Court's *Order*. Among other things, the purposes of the amendment are to limit the filing fee payment for deferrable *de minimis* stockwater claims "to no more than \$100," and to "exempt the stockmen from any cost of publication, or any costs of investigation, assistance, and recommendation by IDWR." Statement of Purpose, RS25264, SB No. 1101 (2017).
- 3. The Court amends its *Order* with respect to deferrable *de minimis* stockwater claims as set forth below to conform to the legislature's amendment of Idaho Code § 42-1414.

II.

ORDER

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

- 1. Paragraph B.1. of the *Order* requires a claimant to "cause to be published a notice of the pendency and purpose of the motion once a week for not less than three (3) weeks in a newspaper of general circulation in the county in which the point of diversion is located or as otherwise required by this court." With respect to deferrable *de minimis* stockwater claims, the Court hereby amends its *Order* to provide that IDWR shall cause to be published a notice of the pendency and purpose of the motion once a week for not less than three (3) weeks in a newspaper of general circulation in the county in which the point of diversion is located or as otherwise required by this court.
- 2. Paragraphs B.3 and B.6 of the *Order* provide that the Director may conduct an examination of, and prepare a report on, a deferrable stockwater claim. Further, that the costs associated with such actions shall be borne by the claimant. With respect to deferrable *de minimis* stockwater claims, the Court hereby amends its *Order* to eliminate the requirement that the claimant bear any costs associated with the examination of, or report on, a claim.
- 3. Aside from the amendments set forth in Paragraphs 1 and 2 above, the remainder of the *Order* is unaltered, and shall remain in full effect and force.

IT IS SO ORDERED.

Dated October 17, 2017

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING PROCEDURES IN THE SRBA FOR ADJUDICATION OF DEFERRED DE MINIMIS STOCKWATER CLAIMS was mailed on October 18, 2017, with sufficient first-class postage to the following:

C THOMAS ARKOOSH ARKOOSH LAW OFFICES 802 W BANNOCK ST SUITE 900 PO BOX 2900 BOISE, ID 83701

JOHN K SIMPSON SHELLEY M DAVIS BARKER ROSHOLT & SIMPSON LLP 1010 W JEFFERSON ST STE 102 PO BOX 2139 BOISE, ID 83701-2139

TRAVIS L THOMPSON BARKER ROSHOLT & SIMPSON LLP MICHAEL C CREAMER 163 2ND AVENUE WEST PO BOX 63 TWIN FALLS, ID 83303-0063

BLAIR J GROVER BEARD ST CLAIR GAFFNEY PA 2105 CORONADO ST IDAHO FALLS, ID 83404-7495

JOSEPHINE P BEEMAN BEEMAN & ASSOCIATES PC 1019 N 17TH ST BOISE, ID 83702-3304

BERT L OSBORN BERT L OSBORN CHARTERED 26 S 9TH ST PO BOX 158 PAYETTE, ID 83661-0158

SCOTT L CAMPBELL CAMPBELL LAW CHTD PO BOX 170538 BOISE, ID 83717

RON KERL COOPER & LARSEN CHARTERED 151 N 3RD AVE STE 210 PO BOX 4229 POCATELLO, ID 83205-4229

ELIZABETH P EWENS ORDER AMENDING PROCEDURES ELLISON SCHNEIDER & HARRIS LLP 2600 CAPITOL AVE STE 400 SACRAMENTO, CA 95816-5931

UNITED STATES DEPT OF JUSTICE ENVIRONMENT & NATURAL RESOURCE 550 WEST FORT STREET, MSC 033 BOISE, ID 83724-0101

W KENT FLETCHER FLETCHER LAW OFFICE 1200 OVERLAND AVE PO BOX 248 BURLEY, ID 83318-0248

GIVENS PURSLEY LLP 601 W BANNOCK ST PO BOX 2720 BOISE, ID 83701-2720

HOFSTETTER, DANA L HAWLEY TROXELL ENNIS & HAWLEY 877 MAIN ST STE 1000 PO BOX 1617 BOISE, ID 83701-1617

MICHAEL B WHITE, SECRETARY HECLA MINING COMPANY 6500 N MINERAL DR STE 200 COEUR D ALENE, ID 83815-9408

CRAIG D HOBDEY HOBDEY LAW OFFICE PLLC 125 5TH AVE PO BOX 176 GOODING, ID 83330-0176

KENT W FOSTER ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PLLC 1000 RIVERWALK DR, STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130

CHARLES L HONSINGER HONSINGER LAW PLLC

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PO BOX 517 BOISE, ID 83701-0517

C TIMOTHY HOPKINS JOHN D HANSEN HOPKINS RODEN CROCKETT HANSEN 950 W BANNOCK ST STE 520 & HOOPES PLLC 428 PARK AVE IDAHO FALLS, ID 83402-3609

JAMES C TUCKER IDAHO POWER CO 1221 W IDAHO ST PO BOX 70 BOISE, ID 83707-0070

GRAY A YOUNG TERRY T UHLING J R SIMPLOT COMPANY 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707-0027

JOHN M MARSHALL JOHN M MARSHALL LAW PLLC 575 W BANNOCK ST STE B BOISE, ID 83702-5917

EDWARD A LAWSON LAWSON LASKI CLARK & POGUE 675 SUN VALLEY RD STE A PO BOX 3310 KETCHUM, ID 83340-3310

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DON B MILLER NATIVE AMERICAN RIGHTS FUND 1506 BROADWAY ST BOULDER, CO 80302-6217

DAVID J CUMMINGS NEZ PERCE TRIBAL EXEC COMM 100 AGENCY ROAD PO BOX 305 LAPWAI, ID 83540-0305

CHIEF NATURAL RESOURCES DIV OFFICE OF THE ATTORNEY GENERAL STATE OF IDAHO PO BOX 83720 BOISE, ID 83720-0010

DAVID F SHIRLEY WILLIAM A PARSONS PARSONS SMITH STONE LOVELAND AND SHIRLEY LLP AND SHIRLES 137 W 13TH ST PO BOX 910 BURLEY, ID 83318-0910

PATRICK D BROWN PATRICK D BROWN PC 516 HANSEN ST E PO BOX 125 TWIN FALLS, ID 83303

JAMES A PENDLEBURY PENDLEBURY LAW OFFICE PA 151 N RIDGE AVE STE 260 IDAHO FALLS, ID 83402-4042

ERIKA E MALMEN PERKINS COIE LLP 1111 W JEFFERSON ST STE 500 PO BOX 737

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(Certificate of mailing continued)

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RANDALL C BUDGE
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BAILEY CHARTERED
201 E CENTER ST STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

JERRY R RIGBY
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RIGBY ANDRUS & RIGBY CHARTERED
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

DANIEL V STEENSON SAWTOOTH LAW OFFICES PLLC 1101 W RIVER ST STE 110 PO BOX 7985 BOISE, ID 83707

BRANDELLE G WHITWORTH
WILLIAM F BACON
SHOSHONE-BANNOCK TRIBES
TRIBAL COUNSEL OFFICE
PO BOX 306
FORT HALL, ID 83203-0306

B J DRISCOLL & ASSOCIATES PLLC

PO BOX 50731 IDAHO FALLS, ID 83405-0731

DOUGLAS B L ENDRESON
REID PEYTON CHAMBERS
SONOSKY CHAMBERS SACHSE
ENDRESON & PERRY LLC
1425 K ST NW STE 600
WASHINGTON, DC 20005-3498

JAMES P SPECK
SPECK & AANESTAD
A PROFESSONAL CORPORATION
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340-0987

DYLAN B LAWRENCE
VARIN WARDWELL LLC
MOFFATT THOMAS BARRETT ROCK
& FIELDS CHARTERED
242 N 8TH ST STE 220
PO BOX 1676
BOISE, ID 83701-1676

CLIFF S BENTZ YTURRI ROSE LLP 89 SW 3RD AVE ONTARIO, OR 97914-0058

JAMES ANNEST 1742 OVERLAND AVE PO BOX 686 BURLEY, ID 83318-0686

CHARLES J OLSON 8813 OLD HIGHWAY 30 MOUNTAIN HOME, ID 83647-6017