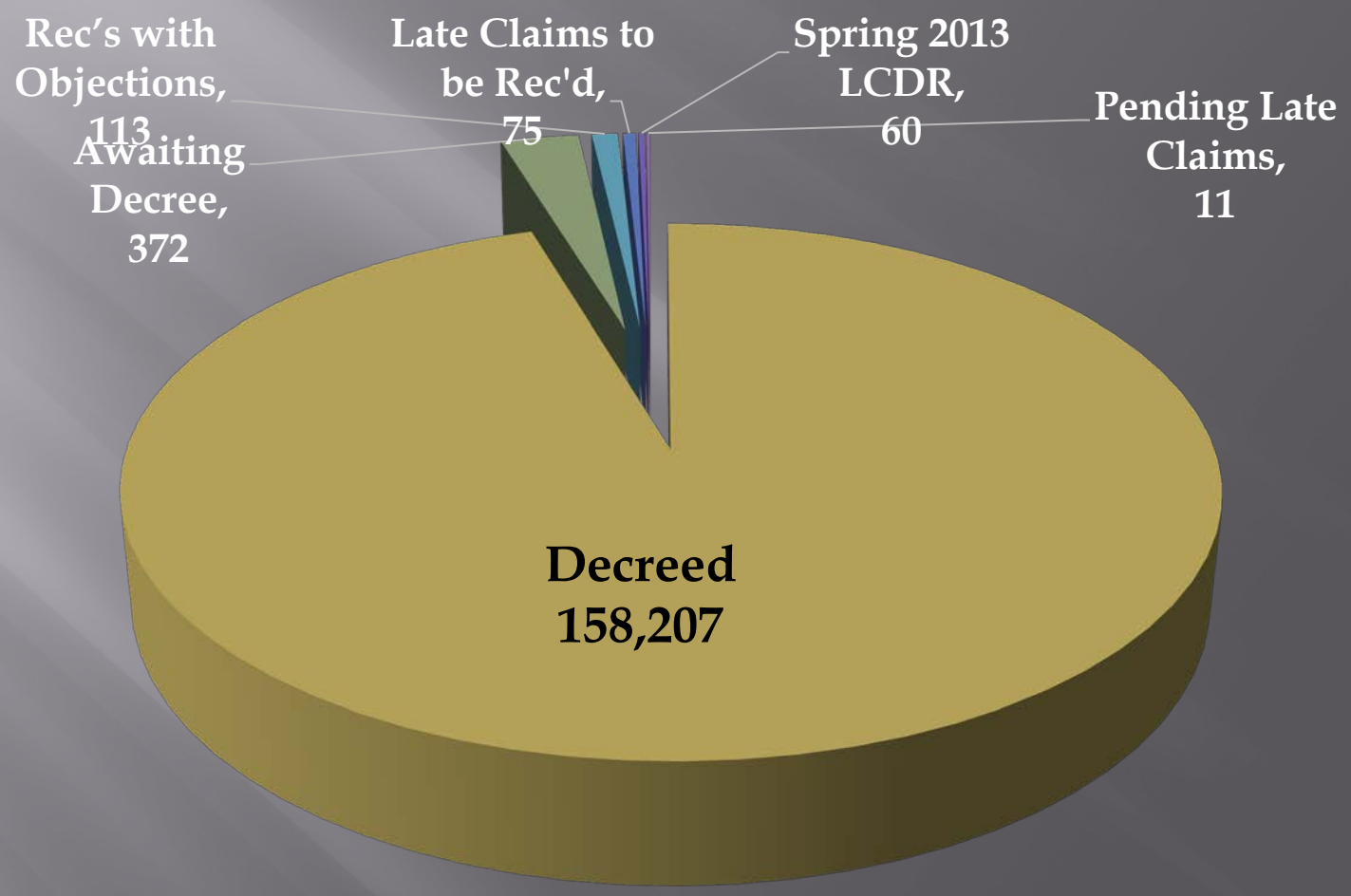
SNAKE RIVER BASIN ADJUDICATION
Where do we go from here?

Outline of Presentation

- Current Status of SRBA
- Reasons for the SRBA
- SRBA Report Card
- Life after the SRBA
- Update on the CSRBA

September 2013 SRBA Status



Summary of Partial Decrees

Disposition of Claims	State Law Based Claims	Federal Reserved Water Rights	TOTAL STATE AND FEDERAL
Total Active Water Rights Decreed	131,348	5,583	136,931
Total Claims Decreed Disallowed	13,791	7,440	21,231
TOTAL DECREED CLAIMS	145,139	13,023	**158,162**

Summary of Contested Cases and Federal Reserved Water Right Settlements

Contested Subcases	43,725
Idaho Supreme Court	35
United States Supreme Court	1
Federal Reserved Water Right Settlements	5
Native American Water Right Settlements	3

REASONS FOR THE SRBA

- Clearly defined water rights
- Effective Management
- Determination of water available for future development
- Quantification of federal reserved water rights
- Establishment of an efficient water market system

SRBA REPORT CARD

- Were the purposes of the SRBA achieved?
- Benefits of SRBA?
- How do the results of the SRBA compare to other general stream adjudications?

Were the purposes of the SRBA Achieved?

- Were the purposes of the SRBA achieved?
  - Swan Falls
  - Federal Reserved Water Rights
  - Conjunctive Management
  - State Law Water Rights Decreed

SWAN FALLS

- Final Decrees entered confirming state ownership of hydropower water rights held in trust
- Subordination Provisions Decreed
- Murphy and Weiser minimum stream flow water rights decreed
- Two Rivers Concept Decreed
- Draft Measurement and Monitoring Protocol

SUMMARY OF FEDERAL RESERVED INSTREAM FLOW CLAIMS

AGENCY/TRIBE	TYPE OF CLAIM	NO. OF ORIGINAL CLAIMS FILED	ALLOWED	DISALLOWED OR DISMISSED	STATUS
FOREST SERVICE	ORGANIC ACT	1,359	0	1,359	Final Settlement
	MUSYA	2,389	0	2,389	Final Decision
	WILDERNESS	7	0	7	Final Decision
	WILD & SCENIC	8	6	2	Final Decree
	SAWTOOTH NRA	5	0	5	Final Decision
	HELLS CANYON NRA	1	1	0	Final Settlement (claim was split into 32 water rights on specific streams and lakes
FISH & WILDLIFE SERVICE	DEER FLAT REFUGE	4	0	4	Final Decision
NEZ PERCE/BIA	TRIBAL INSTREAM FLOW	1,133	0	1,133	Final Settlement
NORTHWESTERN BAND OF SHOSHONI	TRIBAL INSTREAM FLOW	27	0	27	Final Decision
SHOSHONE BANNOCK TRIBES	TRIBAL INSTREAM FLOW	1,030	0	1,030	Final Decision
TOTAL INSTREAM FLOW CLAIMS		5,963	7	5,956	

Summary Federal Reserved Consumptive Use Water Rights

- Shoshone-Bannock, Nez Perce and Shoshone Paiute Claims Decreed
- INEL Water Right Decreed
- National Park Service Water Rights Decreed
- General Service Administration and Veteran Affairs Water Rights Decreed
- Corps of Engineers Claims Withdrawn
- Public Water Reserve Water Rights Decreed

Tangible Benefits from SRBA Settlements

- Settlement Funds
  - 1990 Fort Hall Indian Water $53,500,000
    - 99,480 AF Storage Space
    - Grays Lake $5 million fund
  - 2004 Snake River Water Rights Agreement $48,300,000
    - $25.3 million habitat fund
    - $2 million mitigation fund
    - $21 million Bell Rapids Acquistion

Intangible Benefits of SRBA Settlements

- Elimination of threat from federal reserved water right claims
- Subordination of federal reserved water rights to allow for future development
- ESA and Clean Water Act protection for water and timber activities
- Compensation to private land owners for ESA compliance

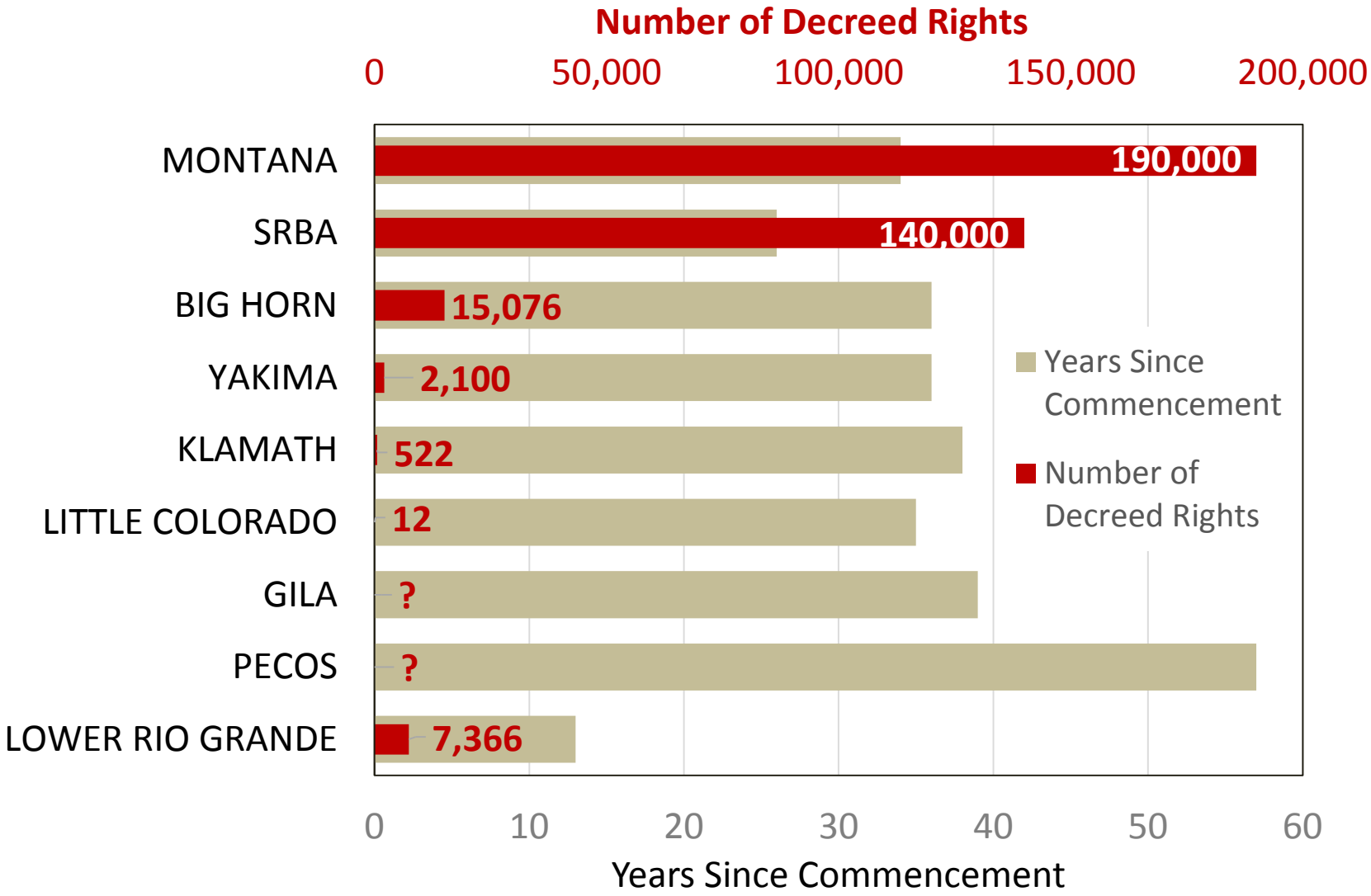
Management Benefits of Adjudication

- All water rights quantified
- Old Decrees Updated
- Relationship between water rights established
- 17 Water Districts Created

Conjunctive Management

- 2 of the 3 Basin 36 spring water calls are resolved
  - Adjudication of rights provided the legal certainty required for settlement of the calls
- Ground water delivery call denied
- Surface water delivery call is pending before the Idaho Supreme Court
- ESPA Comprehensive Aquifer Management Plan adopted and projects are being implemented

Comparison of Adjudications



What would have occurred absent the SRBA ?

- ESA enforcement actions
- Continued demand for Idaho water for flow augmentation
- No compensation for ESA compliance
- Multiplicity of litigation over conjunctive management

Life After the SRBA

- Sustainability of aquifers
  - Aquifer Recharge
  - Water use optimization projects
- Water storage
- Water measurement and monitoring
- Water distribution through water districts

CSRBA

- 11,000 claims expected to be filed
- First, preliminary Director's Report issued
- Only two significant federal reserved water right claim filings are expected
  - St. Joe Wild and Scenic River Claims
  - Coeur d'Alene Reservation Claims
- Expected Completion in FY2018
- Palouse Basin Adjudication expected to be commenced in FY2016

QUESTIONS