

**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

**ORDER GRANTING STIPULATED  
MOTION FOR STAY; NOTICE OF  
ADDITIONAL STATUS  
CONFERENCE**

**BACKGROUND**

On January 3, 2018, the Director issued an *Order Re: Statements of Issues and Responses; Order Adopting Deadlines; Amended Notice of Status Conference* (“Order Establishing Threshold Question”) in this matter. The Director required the parties to submit briefs regarding the threshold legal question that must be answered in this case: whether the plain language of the “period of use” element of the storage water right partial decrees for federal onstream reservoirs in Water District 01 that specifies “1/1 to 12/31” as the time period for “irrigation storage” requires that the reset date for those rights be January 1. The Director ordered a January 19, 2018, deadline for parties to submit opening briefs regarding the threshold legal question; a January 26, 2018, deadline for parties to submit response briefs; and a February 9, 2018, deadline for the Director to issue an order regarding the parties’ briefs.

On January 19, 2018, the Department received opening briefs from the Shoshone-Bannock Tribes, the City of Pocatello, the Surface Water Coalition, the U.S. Bureau of Indian Affairs, the Upper Valley Storage Holders, the City of Idaho Falls, Palisades Water Users, Inc., and Aberdeen-Springfield Canal Company. The Department also received a *Declaration of Edmund C. Goodman in Support of Shoshone-Bannock Tribes’ Brief on “Threshold Issue.”*

On January 25, 2018, the Department received *Aberdeen-Springfield Canal Company’s Response Brief Regarding Threshold Legal Question*. On January 26, 2018, the Department received response briefs from the Coalition of Cities, the Surface Water Coalition, the City of Pocatello, the City of Idaho Falls, Palisades Water Users, Inc., and the Shoshone-Bannock Tribes.

On February 7, 2018, the Department received a *Stipulated Motion for Stay* (“Motion”). The Motion states “[t]he parties have agreed to request” a thirty day stay from the status conference scheduled on February 14, 2018, “to continue recent settlement discussions that have the potential to resolve this matter without further litigation.” *Motion* at 2. The Motion asks the Director to

“delay issuing” a decision regarding the parties’ briefs on February 9, 2018, as required by the Order Establishing Threshold Question. *Id.* Finally, the Motion asks the Director to “keep the upcoming status conference on February 14, 2018, and schedule a follow-up conference following the scheduled Intergovernmental Board Meeting on March 14, 2018.” *Id.* The Director will grant the Motion and schedule an additional status conference.

### ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the Motion is GRANTED. The contested case in this matter is stayed until March 16, 2018. The Director will delay issuing a decision regarding the parties’ briefs on February 9, 2018, as required by the Order Establishing Threshold Question. The Director will hold the February 14, 2018, status conference as scheduled.

### NOTICE OF ADDITIONAL STATUS CONFERENCE

The Director hereby gives notice that a status conference will be held in this matter on **March 20, 2018, at 10:00 a.m. (MDT)**, at the Department’s State Office, located at 322 E. Front Street, 6th Floor, Director’s Conference Room, Boise, Idaho 83702.

All parties must be present at the status conference in person or by telephone. If participating by telephone, **please dial 1-720-279-0026 and enter the following guest code when prompted: 544840#.**

The status conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The status conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please contact Kimi White at (208) 287-4815, no later than five (5) days prior to the conference.

DATED this 8<sup>th</sup> day of February 2018.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8<sup>th</sup> day of February 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