

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

HONORABLE ERIC J. WILDMAN
Presiding Judge
Sabrina Vasquez
Court Reporter

02/15 /2022

1:30 p.m. MT (SRBA)
2:30 p.m. MT (CSRBA)
2:30 p.m. MT (PRBA)

DIANA DELANEY
Deputy Clerk

Court Minutes
Twin Falls, Idaho

Case No. 39576 (SRBA)
Case No. 49576 (CSRBA)
Case No. 59576 (PRBA)

This was the time and place set for the **Monthly Status Conference**. Issues to be addressed are:

SRBA –

1:30 p.m. (MT)

HEARING ON UNCONTESTED RIGHT

Subcase 86-12078 (File 183)

Heather Morrow
Jeremy Morrow

-- Pro se

**SCHEDULING/STATUS CONFERENCE ON MOTION TO
ADJUDICATE DE MINIMIS DOMESTIC AND STOCKWATER CLAIMS**

United States Department of Justice

-- David Negri
Katherine Kane
Vanessa Boyd Willard

Cities of Meridian and Heyburn
Cities of Jerome, Hazelton, Gooding, Dietrich,
Declo, Carey, Burley, Bliss, Wendell, Shoshone,
Rupert, Richfield, Paul

-- Candice McHugh

City of Caldwell

-- Dylan Lawrence

Edwards Family LLC

-- Dana Hofstetter
Amy Knight

City of Pocatello

-- Sarah Klahn

State of Idaho

-- Shane Bell
Joy Vega

American Falls Reservoir District #2
Minidoka Irrigation District

-- W. Kent Fletcher

A&B Irrigation District, Burley Irrigation
District, Twin Falls Canal Company, North
Side Canal Company and Milner Irrigation
District

-- Sarah Higer

Boise Project Board of Control, Boise-Kuna
Irrigation District, New York Irrigation District,
Wilder Irrigation District, and Big Bend Irrigation
District

-- Sarah Higer

Ball Bros. Sheep Co and Wilcox Brothers LLC

-- Michelle Mortimer

PacifiCorp

-- Michael Lawrence

Petan Company of Nevada

-- Caitlin Skulan

Also Present
IDWR

-- Garrick Baxter
Lacey Rammell-O'Brien

CSRBA --

2:30 p.m. (MT)

MOTIONS TO FILE LATE NOTICE OF CLAIM

Water right claim: 95-18171 (File 934)
James A Haebe

-- Pro Se

Water right claim: 95-18185 (File 938)
Sandra Neirinckx

-- Pro Se

Water right claims: 91-18179 (File 935)
91-18180 (File 936)
91-18181 (File 937)
Mark Fletcher and/or Joanne Fletcher

-- Pro Se

Water right claim: 95-18205 (File 939)
Tiffany and/or John Hale

-- Pro Se

Water right claim: 95-00218 (File 925)
Lavoie Holding Company LLC

-- Pro Se (Robert Macdonald)

STATUS CONFERENCE

Avista Corporation
95-18020 (File 896)
95-17957 (file 897)

-- Candice McHugh

**HEARING ON UNCONTESTED WATER RIGHTS REPORTED
IN THE SPRING 2021 LATE CLAIMS DIRECTOR'S REPORT**

Also Present
IDWR

-- Lacey Rammell-O'Brien

PRBA --

2:30 p.m. (MT)

MOTIONS TO FILE LATE NOTICE OF CLAIM

Water right claim: 87-12330 (File 22)
Lorang Farm Restoration

-- Pro Se (Diane Conroy)

Water right claim: 87-12331 (File 22)
Lorang Survivor Trust

-- Pro Se (Janet Lorang)

Water right claim: 87-12326 (File 21)
James and/or Tonya Murray

-- Pro Se

Water right claim: 87-12316 (File 24)
Jerilynne Ziemann Shultz
Janice Geyer
Jez Ranch LLC
John R Ziemann
Van G Ziemann
Ziemulz Farms LLC

-- Pro Se

Also Present
IDWR

-- Lacey Rammell-O'Brien

1:35:10

Court calls subcase 86-12078. *Hearing on Uncontested Claim.* Parties identified – Jeremy and/or Heather Morrow, claimants, are not present and are not required to be present. Court gives background/status. No opposition appearing. IDWR has nothing to add. Court makes findings. Partial Decree will be entered consistent with the Director's Report.

1:37:50 **Court calls 00-39576. Status and Scheduling Conference on United States' *Motion to Adjudicate De Minimis Domestic and Stockwater Claims*. Parties identified (see above).**

1:42:15 Ms. Klahn asks about their Motion to Appear *Pro Hac Vice* for Daniel Condren. Court will be addressing that.

1:43:08 Court gives background/status on *Motion to Adjudicate*. Court will designate this matter a unique case number – 00-92095. Filings to date will be transferred over; no new notice of appearance necessary. A written order will be issued.

1:44:50 Court continues with background/status. Proposes process for continuing this matter.

1:52:46 Mr. Negri, United States DOJ, responds to proposal.

1:59:46 Mr. Bell, State of Idaho, responds.

2:00:56 Ms. McHugh, Cities of Jerome et al, responds.

2:02:11 Ms. Hofstetter, Edwards Family LLC, responds.

2:03:37 Ms. Klahn, City of Pocatello, responds.

2:03:55 Ms. Higer, Irrigation Districts et al, responds.

2:04:07 Ms. Mortimer, Ball Bros and Wilcox, responds.

2:04:19 Dylan Lawrence, City of Caldwell, responds.

2:04:40 Mr. Fletcher, AFRD #2 et al, responds.

2:06:05 Ms. Skulan, Petan, responds.

2:06:28 Michael Lawrence, PacifiCorp, responds.

2:07:08 Mr. Baxter, IDWR, responds.

2:08:30 Court will proceed to a negotiated settlement. Court will issue an order renumbering this matter to Subcase 00-92095 and appointing Special Master Booth as settlement moderator.

2:10:48 Mr. Negri requests a preliminary date now while all parties are present. Court will request special Master Booth set this matter for a first hearing within 30 days.

2:12:56 **SRBA ADJOURNED**

- 2:34:02 **Court calls subcase 95-18171.** Hearing on *Motion to File Late Notice of Claim*. Parties identified – James A Haebe, claimant. Court gives background/status. Claimant has nothing to add. No opposition appearing. IDWR has nothing to add. Court makes findings. Motion to File Late Notice of Claim **granted**.
- 2:36:16 **Court calls subcase 95-18185.** Hearing on *Motion to File Late Notice of Claim*. Parties identified – Sandra Neirinckx, claimant. Court gives background/status. Claimant explains the claim is for a replacement well, questions priority date. Claimant will contact IDWR and may/may not need to amend claim. No opposition appearing. IDWR will review the overlap and will work with the claimant on the priority date. Court makes findings. Motion to File Late Notice of Claim **granted**.
- 2:40:02 **Court calls subcases 91-18179, 91-18180, 91-18181.** Hearing on *Motions to File Late Notice of Claim*. Parties identified – Mark and/or Joanne Fletcher, claimants. Court gives background/status. Court questions the priority date for 91-18181. Priority date should be April 1, 2019. With consent of claimants, Court will correct Priority Date for 91-18181 to 4/1/2019. No opposition appearing. IDWR has nothing further to add. Court makes findings. Motions to File Late Notice of Claim **granted**.
- 02:44:57 **Court calls subcase 95-18205.** Hearing on *Motion to File Late Notice of Claim*. Parties identified – Tiffany and/or John Hale, claimants. Court gives background/status. Claimants have nothing to add. No opposition appearing. IDWR has nothing to add. Court makes findings. Motion to File Late Notice of Claim **granted**.
- 02:46:46 **Court calls subcase 95-00218.** Hearing on *Motion to File Late Notice of Claim*. Parties identified – Lavoie Holding Company LLC, claimant. Change of ownership filed by Todd and Katherine Ringwood, present. Court gives background/status. Claimant has nothing to add. No opposition appearing. IDWR explains they have received change of ownership, but not the deed to back that up. Ms. Ringwood states the warranty deed was faxed. As soon as received, IDWR will proceed with the Change of Ownership. Court makes findings. Motion to File Late Notice of Claim **granted**.
- 02:50:10 **Court calls subcases 95-18020 and 95-17957.** Status Conference. Parties identified – Avista Corporation, represented by Candice McHugh. Notices of withdrawal of claim has been filed. Matter has been resolved. Court will issue order acknowledging withdrawal of claims.
- 02:51:26 **Court calls hearing on the uncontested water right claims reported in the Spring 2021 Late Claims Director's Report.** Ms. Rammell-O'Brien requests that 95-8383 be added to the list of those rights to be disallowed. Court makes findings. Partial decrees and Order disallowing will be issued consistent with the Spring 2021 Late Claims Director's Report.

2:55:22

CSRBA ADJOURNED

02:55:58

Court calls subcase 87-12330. Hearing on *Motion to File Late Notice of Claim*. Parties identified – Diane Conroy, authorizing official for White Spring Ranch for Lorang Farm Restoration, claimant. Court gives background/status. Claimant has nothing to add. No opposition appearing. IDWR has nothing to add. Court makes findings. Motion to File Late Notice of Claim **granted**.

02:58:50

Court calls subcase 87-12331. Hearing on *Motion to File Late Notice of Claim*. Parties identified – Brock and/or Janet Lorang for Lorang Survivors Trust, claimant. Court gives background/status. Claimant has nothing to add. No opposition appearing. IDWR has nothing to add. Court makes findings. Motion to File Late Notice of Claim **granted**.

03:00:26

Court calls subcase 87-12326. Hearing on *Motion to File Late Notice of Claim*. Parties identified – James and/or Tonya Murray, claimants. Court gives background/status. Claimants have nothing to add. No opposition appearing. IDWR has nothing to add. Court makes findings. Motion to File Late Notice of Claim **granted**.

03:02:10

Court calls subcase 87-12316. Hearing on *Motion to File Late Notice of Claim*. Parties identified – Jerilyne Ziemann Shultz, Janice Geyer, Jez Ranch LLC, John R Ziemann, Van G Ziemann, Ziemulz Farms LLC, claimants. Court gives background/status. Claimants have nothing to add. No opposition appearing. IDWR has nothing to add. Court makes findings. Motion to File Late Notice of Claim **granted**.

03:04:46

PRBA ADJOURNED