



U.S. Department of Justice

Environment and Natural Resources Division

90-6-2-63C

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RECEIVED

MAY 29 2003

May 28, 2003

Department of Water Resources

via facsimile

Special Master Thomas R. Cushman
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase No. 65-11412 and 65-11412A

Dear Master Cushman:

Pursuant to the Court's Order dated May 1, 2003, the parties to the above referenced subcases have on this date filed a **Settlement Agreement and Emmett Irrigation District's Motion to Withdraw Its Claim and Objection in Subcase 65-11412A and to Withdraw Its Objection in Subcase 65-11412** with the SRBA Court. The parties have also submitted the signed SF-5 for Subcase 65-11412 to IDWR, attention Garrick Baxter, for agency concurrence with the settlement terms.

Sincerely,

David W. Gehlert
Trial Attorney

cc: Scott Campbell

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MAY 29 2003
Department of Water Resources

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Attorneys for Emmett Irrigation District

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. 65-11412 & 65-11412A
	)	
	)	EMMETT IRRIGATION DISTRICT'S
Case No. 39576	)	MOTION TO WITHDRAW ITS CLAIM
	)	AND OBJECTION IN SUBCASE
	)	65-11412A AND TO WITHDRAW ITS
	)	OBJECTION IN SUBCASE 65-11412
	)	

Emmett Irrigation District petitions this Court for permission to withdraw its Claim and Objection in Subcase No. 65-11412A and to also withdraw its Objection in Subcase No. 65-11412.

On May 19, 2003 Emmett Irrigation District and the United States Bureau of Reclamation reached settlement in SRBA Subcase Nos. 65-11412 and 65-11412A. As part of that settlement Emmett Irrigation District agreed to withdraw its Claim to the water that powers the hydro-pumps at Black Canyon Dam (Subcase No. 65-11412A). Emmett Irrigation District also agreed to withdraw its Objection to the Bureau of Reclamation's Claim to ownership of that water right (Subcase No. 65-11412).

The parties having resolved their differences concerning the water rights to power the hydro-pumps, Emmett Irrigation District hereby petitions the SRBA Court for permission to withdraw both the Claim and Objection in Subcase 65-11412A, as well as the Objection in Subcase No. 65-11412.

DATED this 19th Day of May, 2003.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm

By Scott L. Campbell for
Angela Schaer Kaufmann - Of the Firm

Attorneys for Emmett Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th Day of May, 2003, I caused a true and correct copy of the foregoing **EMMETT IRRIGATION DISTRICT'S MOTION TO WITHDRAW ITS CLAIM AND OBJECTION IN SUBCASE 65-11412A AND TO WITHDRAW ITS OBJECTION IN SUBCASE 65-11412** to be served by the method indicated below, and addressed to the following:

David W. Gehlert
U.S. Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☐ Facsimile

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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