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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.: See List for Basins 35 and 47 contained in
	)	the Report
	)	
	)	
Case No. 39576	)	REPORT ON STATUS OF STATE OF IDAHO'S
	)	OBJECTIONS FOR SELECTED SUBCASES IN
	)	BASINS 35 AND 47
	)	

The State of Idaho, by and through the undersigned deputy attorney general, responds as follows to the Court's request that the State of Idaho identify those subcases that it intends to proceed to hearing. The State of Idaho's review of the list of 156 subcases in Basins 35 and 47 that were in Exhibit A to the ORDER SETTING STATUS CONFERENCE entered on January 8, 2004, indicates that the State of Idaho is withdrawing its objections to one hundred and forty-two subcases. The State of Idaho is continuing its objection with respect to fourteen

subcases. Ten of these subcases involve land where applications for entry under the various public land laws were pending before the General Land Office on April 17, 1926. Two of the subcases involve land that was reacquired by the United States, and that land does not; therefore, qualify for a federal reserved water right. The remaining two subcases involve a federal reserved water right claimed under Public Water Reserve 28 as an instream flow with beginning and ending points. The watercourses in question between the beginning and ending points traverse land outside the legal description of Public Water Reserve 28; therefore, the subcases claim an instream flow outside the scope of Public Water Reserve 28.

In those cases where the State of Idaho's objection continues because of the pendency of an application for entry, the table below lists the serial register number for the entry of record with the General Land Office on April 17, 1926. Our more specific comments are as follows:

WATER RIGHT NO.	COMMENT
35-12939	Objection withdrawn.
35-12956	Objection withdrawn.
47-15285	Objection withdrawn.
47-15287	Objection withdrawn.
47-15297	Objection withdrawn.
47-15299	Objection withdrawn.
47-15310	Objection withdrawn.
47-15319	Objection withdrawn.
47-15334	Objection withdrawn.
47-15337	Objection withdrawn.
47-15340	Objection withdrawn.
47-15343	Objection withdrawn.
47-15346	Objection withdrawn.
47-15349	Objection withdrawn.
47-15352	Objection withdrawn.
47-15399	Objection withdrawn.
47-15402	Objection withdrawn.
47-15405	Objection withdrawn.
47-15408	Objection continues BL #38731.
47-15411	Objection withdrawn.

47-15414	Objection withdrawn.
47-15417	Objection withdrawn.
47-15427	Objection withdrawn.
47-15430	Objection withdrawn.
47-15446	Objection withdrawn.
47-15450	Objection withdrawn.
47-15451	Objection withdrawn.
47-15454	Objection continues BL #38007.
47-15457	Objection continues BL #38241.
47-15461	Objection withdrawn.
47-15465	Objection withdrawn.
47-15468	Objection withdrawn.
47-15471	Objection withdrawn.
47-15472	Objection withdrawn.
47-15473	Objection withdrawn.
47-15478	The designation of ending point and beginning point should be reversed. House Creek flows from the South to the North.
47-15480	Objection withdrawn.
47-15482	Objection withdrawn.
47-15487	Objection withdrawn.
47-15492	Objection withdrawn.
47-15495	Objection withdrawn.
47-15498	Objection withdrawn.
47-15501	Objection withdrawn.
47-15507	Objection continues BL #38899.
47-15510	Objection continues BL #38899.
47-15515	Objection continues BL #38175.
47-15529	Objection withdrawn.
47-15532	Objection withdrawn.
47-15535	Objection withdrawn.
47-15538	Objection continues to instream flow under PWR 28. The legal description contains land not within the legal description within PWR 28.
47-15540	Objection withdrawn.
47-15543	Objection withdrawn.
47-15546	Objection withdrawn.
47-15549	Objection continues to instream flow under PWR 28. The legal description contains land not within the legal description within PWR 28.
47-15551	Objection withdrawn.
47-15554	Objection withdrawn.
47-15557	Objection withdrawn.
47-15560	Objection withdrawn.
47-15563	Objection withdrawn.
47-15566	Objection withdrawn.

47-15573	Objection withdrawn.
47-15576	Objection withdrawn.
47-15581	Objection withdrawn.
47-15584	Objection withdrawn.
47-15607	Objection withdrawn.
47-15610	Objection withdrawn.
47-15638	Objection withdrawn.
47-15641	Objection withdrawn.
47-15644	Objection withdrawn.
47-15656	Objection continues BL #39790.
47-15665	Objection withdrawn.
47-15677	Objection withdrawn.
47-15680	Objection withdrawn.
47-15722	Objection withdrawn.
47-15726	Objection withdrawn.
47-15734	Objection withdrawn.
47-15738	Objection withdrawn.
47-15742	Objection withdrawn.
47-15785	Objection withdrawn.
47-15791	Objection withdrawn.
47-15799	Objection withdrawn.
47-15810	Objection withdrawn.
47-15812	Objection withdrawn.
47-15833	Objection withdrawn.
47-15875	Objection withdrawn.
47-15895	Objection withdrawn.
47-16044	Objection withdrawn.
47-16056	Objection withdrawn.
47-16062	This water right needs to be decreed as a state water right with a priority date of 6/28/1934. The United States reacquired this land on or about February 15, 1957.
47-16078	Objection withdrawn.
47-16082	This water right needs to be decreed as a state water right with a priority date of 6/28/1934. The United States reacquired this land on or about November 24, 1989.
47-16084	Objection withdrawn.
47-16086	Objection withdrawn.
47-16114	Objection continues BL #39035.
47-16116	Objection continues BL #39035.
47-16118	Objection withdrawn.
47-16148	Objection withdrawn.
47-16150	Objection withdrawn.
47-16245	Objection withdrawn.
47-16247	Objection withdrawn.
47-16259	Objection withdrawn.

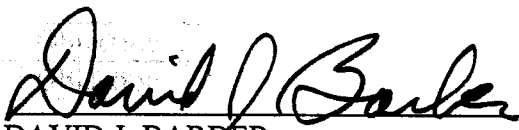
47-16261	Objection withdrawn.
47-16263	Objection withdrawn.
47-16267	Objection withdrawn.
47-16273	Objection withdrawn.
47-16277	Objection withdrawn.
47-16279	Objection withdrawn.
47-16281	Objection withdrawn.
47-16287	Objection withdrawn.
47-16313	Objection withdrawn.
47-16477	Objection withdrawn.
47-16478	Objection withdrawn.
47-16481	Objection withdrawn.
47-16494	Objection withdrawn.
47-16496	Objection withdrawn.
47-16509	Objection withdrawn.
47-16510	Objection withdrawn.
47-16517	Objection withdrawn.
47-16518	Objection withdrawn.
47-16519	Objection withdrawn.
47-16520	Objection withdrawn.
47-16521	Objection withdrawn.
47-16522	Objection withdrawn.
47-16524	Objection withdrawn.
47-16531	Objection withdrawn.
47-16534	Objection withdrawn.
47-16535	Objection withdrawn.
47-16536	Objection withdrawn.
47-16543	Objection withdrawn.
47-16545	Objection withdrawn.
47-16546	Objection withdrawn.
47-16554	Objection continues BL #38429.
47-16555	Objection withdrawn.
47-16556	Objection withdrawn.
47-16558	Objection withdrawn.
47-16560	Objection withdrawn.
47-16561	Objection withdrawn.
47-16562	Objection withdrawn.
47-16563	Objection withdrawn.
47-16564	Objection withdrawn.
47-16565	Objection withdrawn.
47-16577	Objection withdrawn.
47-16578	Objection withdrawn.
47-16584	Objection withdrawn.
47-16590	Objection withdrawn.
47-16591	Objection withdrawn.

47-16592	Objection withdrawn.
47-16614	Objection withdrawn.
47-16615	Objection withdrawn.
47-16633	Objection withdrawn.
47-16634	Objection withdrawn.
47-16635	Objection withdrawn.
47-16636	Objection withdrawn.
47-16637	Objection withdrawn.
47-16638	Objection withdrawn.
47-16639	Objection withdrawn.

DATED this 24th day of February 2004.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO


DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on the 24th day of February 2004, I caused the original and the copies of the REPORT ON STATUS OF THE STATE OF IDAHO'S OBJECTIONS IN BASIN 47 to be served on each of the following persons and parties by the method indicated below:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☒ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. One copy to the owner of the water right at the following address:

R. Lee Leininger
US Department of Justice
Environment & Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: (303) 312-7322
- ☐ Statehouse Mail

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

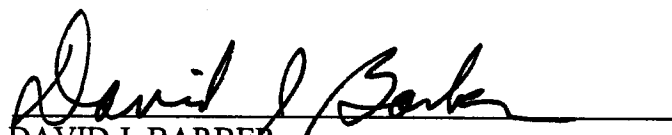
STATEHOUSE MAIL

Candice McHugh
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Idaho Department of Water Resources
1301 N. Orchard St
Boise, ID 83706

STATEHOUSE MAIL

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(not applicable)


DAVID J. BARBER
Deputy Attorney General