

RECEIVED

JUL 06 2004

DEPARTMENT OF
WATER RESOURCES

TELEPHONE: (208) 232-5911

FAX: (208) 232-5962

E-MAIL: tholmesid@aol.com

MR. HOLMES' TELEPHONE EXTENSION: 103

LAW OFFICES

JONES, CHARTERED

203 SOUTH GARFIELD

P.O. BOX 967

POCATELLO, IDAHO 83204-0967

LAMONT JONES
JACK H. ROBISON
THOMAS J. HOLMES

July 1, 2004

Ms. Candice McHugh
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0098

RE: *Snake River Basin Adjudication*
Case No. 39576
Subcase No. 29-04156/04215/13626/13627
Carma Smith

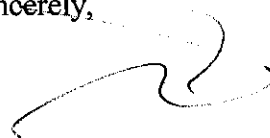
Dear Ms. McHugh:

You participated in our status conference on June 30 with the hearing officer on this portion of the SRBA.

I am wondering if the Attorney General's office has any briefing or position papers with respect to the case decided by the Shoshone-Bannock Tribes regarding *Colville Confederated Tribes v. Walton*, 647 F.2d 42 (9th Cir.) (1981). I would appreciate knowing if the Department has any position on the Tribe's claim that the purchaser of Indian lands is entitled only to the water that was being used by the original Indian allottee at the time of purchase. In the documentation I have reviewed from Carma Smith that she submitted to the Department, I don't see that we have much information, other than some of the ground does originate with a tribal member.

Thank you in advance for any help or direction you can give us on this.

Sincerely,



Thomas J. Holmes

TJH/jfj
smith070104.11.wpd
Enclosure(s)
cc: Carma Smith