

2004 SEP 30 PM 4:08
TWIN FALLS DISTRICT COURT
FILED
IDAHO

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

Case No. 39576

ORDER SETTING STATUS
CONFERENCE

FOR WATER RIGHT: 29-12626
29-12987, 29-12997, 32-11205,
33-10521, 33-10519, 33-10716, 33-10891,
33-10708, 72-14215, 72-12269, 72-12279,
72-12089, .

I.

Procedural Background.

The above-captioned water rights were claimed by the United States, Department of Interior, Bureau of Land Management (United States) as a dual-based stockwater right, meaning the right was claimed as a federal reserved water right pursuant to Public Water Reserve (PWR) 107 and alternatively as a state-law based right. The Idaho Department of Water Resources reported the state and federal claims in a *Director's Report*. Various objections were filed by either the Claimant or the State of Idaho.

On December 11, 2003, a trial was held by Special Master Thomas Cushman. Affidavits pertaining to the rights were filed in all of the above cases. It is unclear from the record if the Special Master found that the above rights were valid federal reserve water rights. *Standard Form 5/Amended Claim* forms signed by the United States with IDWR concurrence as to the state-based water right were filed to the rights. The *SF5* forms include language that the claims are still dual-based. The purpose of the *SF5s* appears to have been to amend the claims because of legal description changes and to change the state-based priority date in accordance with an agreement between the Claimant and the State of Idaho. No objections were filed to the *SF5*'s. The Court rescinded the *Order of Reference to Thomas R. Cushman* for the above rights.

II.

Status Conference.

It appears from the earlier proceedings and the file that all objections and responses have been resolved. It also appears that the affidavits assert that the rights were valid federal-reserve water rights.

Therefore, IT IS ORDERED, that a Status Conference be set for 1:30 p.m. on November 16, 2004 at the Snake River Basin Adjudication Courthouse, 253 3rd Ave North, Twin Falls, Idaho. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted. The purpose of the Status Conference will be: (1) to determine whether these rights were found to be valid federal reserve water rights by the Special Master, in accordance with 42-1411A(12); (2) if not, to hold a hearing in accordance with 42-1411A(12). It appears that affidavits have been filed in the above subcases. If any further affidavits are necessary, such shall be filed by November 12, 2004.

DATED: September 30 2004



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on September 30, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

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Represented by:
US DEPARTMENT OF JUSTICE
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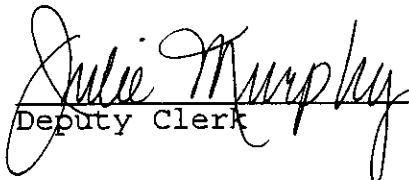
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ORDER

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Deputy Clerk