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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2002 DEC 16 AM 10 35

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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
Case No. 39576

) Subcase Nos. : 37-2532A and 37-2804A
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REPORT TO THE COURT

During the hearing on the uncontested portions of the Director's Report, Basin 37, Part 1 Ground Water, held on December 11, 2002, the Court inquired as to why the water rights listed above were not included on Attachment 1 to the *Notice Of Filing Statement Of Unobjected To Portions Of The Director's Report In Basin 37, Part 1, Ground Water For Irrigation & Other Water Right Claims Pursuant To Idaho Code § 42-1412(7)*, filed with the SRBA Court on December 9, 2002. This report is filed pursuant to this inquiry by the Court.

The *Notice Of Filing Statement* states that Attachment 1 includes the uncontested portions of the Director's Report recommended allowed for which the only objection is the Faulkner Land & Livestock, Inc., (on behalf of NSGWD), minus the 19 water rights (and their uncontested overlaps) to which additional state, federal or private objections have been filed. Water right nos. 37-2532A and 37-2804A appear on the Basin 37, Part 1, Ground Water Case Management Proposal, page 2, as uncontested overlaps of contested subcase no. 37-2645. The three rights share a point of diversion.

IDWR customarily does not include uncontested overlapping water rights of contested subcases on the Notices of filing statement of unobjected to portions of the director's reports

Subcase Nos. 37-2532A and 37-2804A – Report to the Court

because sometimes settlement of contested subcases affects elements of the uncontested overlapping water rights. Thus, 37-2532A and 37-2804A did not appear on Attachment 1 of the *Notice Of Filing Statement Of Unobjected To Portions Of The Director's Report In Basin 37, Part 1, Ground Water For Irrigation & Other Water Right Claims Pursuant To Idaho Code § 42-1412(7)*.


Nicholas B. Spencer | 12-11-02
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on December 12, 2002, I mailed the original and copies of this Report To The Court, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

2. Copies to:

Chief, Natural Resources Division
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Signature of person mailing the form