

2004 OCT 26 PM 2 45

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	)	ORDER SETTING STATUS
	)	CONFERENCE AND 42-1411A(12)
Case No. 39576	)	HEARING
	)	
_____	)	FOR WATER RIGHTS: 51-12256, 51-
	)	12258, 51-12262 and 51-12264

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 rights, 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*. The State of Idaho filed an objection, which was amended on October 23, 1998.

On December 11, 2003, a trial was held by Special Master Thomas Cushman. Affidavits pertaining to the rights were filed in the above subcases. It is unclear from the record if Special Master Cushman found the above rights to be valid federal reserve water rights. On June 10, 2004, a *Standard Form 5/Amended Claim* was filed amending the priority date for the state-based claims in accordance with the agreement between the United States and the State of Idaho. The amendment also changes the basis for the federal reserve claim from PWR 107 to PWR 47, which was an earlier withdrawal of land by President Woodrow Wilson, dated April 7, 1917. No objections were filed to the *SF5*.

Therefore, IT IS ORDERED, that a **Status Conference is set for 1:30 p.m. on December 14, 2004 at the Snake River Basin Adjudication Courthouse, 253 3rd Ave North,**

Twin Falls, Idaho. Telephone participation will be available by calling 1-225-383-1099 and entering 675342 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 Special Master Cushman, in accordance with 42-1411A(12); (2) if not, to hold a hearing in accordance with 42-1411A(12). Any affidavits in connection herewith shall be filed by December 10, 2004.

DATED: October 26 2004



THEODORE R BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE AND 42-1411A(12) HEARING was mailed on October 26, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

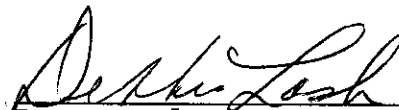
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DIRECTOR OF IDWR

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Deputy Clerk