



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

November 1, 2004

*VIA U.S. MAIL AND FACSIMILE
(208) 736-2121*

Honorable Terrence A. Dolan
Snake River Basin Adjudication Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303

Re: Subcase Nos. 43-07030 and 43-07034

Dear Special Master Dolan:

I understand that you posed the following question to Mr. Steve Strack about the Notice of Withdrawal of Objection that I filed last week regarding subcase no. 41-07034: "Why was the Notice of Withdrawal limited to subcase no. 41-07034, since the State of Idaho had also filed a Response to Objection regarding subcase no. 41-7030?" The purpose of this letter is to answer that question. You are correct that the State of Idaho had filed identical responses to the objections filed by Twin Falls Canal Company *et al.* to subcase nos. 41-07030 and 41-07034. However, when I reviewed the district court's summary sheet for subcase no. 41-07030, it did not list the State of Idaho as a party to that subcase, and I concluded that a Notice of Withdrawal was unnecessary.

My best understanding is that the State of Idaho was dropped as a party to subcase no. 41-07030, when the district court dismissed the objections filed by Twin Falls Canal Company *et al.* I believe that this was the proper action by the district court. If you would prefer that I create a further paper trail for the district court, I would file a Notice of Withdrawal for subcase no. 41-07030. Please advise me if you would like me to take this action.

Sincerely,

A handwritten signature in cursive script, reading "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov

cc: Kent Foster
IDWR