



U.S. Department of Justice

Environment and Natural Resources Division

DG:DAJ
90-6-2-63C

David A. Jarvis
Lalor-Anderson, Inc.
999 Eighteenth Street
Suite 945, North Tower
Denver, Colorado 80202

Telephone (303) 312-7370
Facsimile (303) 312-7379

October 1, 2002

via FedEx Mail

Terrence A. Dolan
Special Master
Snake River Basin Adjudication
P. O. Box 2707
Twin Falls, ID 83303-2707

Re: Subcases 36-02080, 36-15127 (36-15172A and 26-15127B), 36-15192, 36-15193 (36-15193A and 36-15103B), 36-15194 (36-155194A and 36-15194B), 36-15195 (36-15195A and 36-15195B), and 36-15196 (36-15196A and 36-16196B) (US/BOR)

Dear Master Dolan:

This letter is in response to your Draft Special Master Report and Recommendation dated September 9, 2002, in the subject subcases. It is our understanding that the Explanatory Material agreed to on the SF5s will not be included in the partial decrees for these subcases, but does remain an integral part of the permanent record used by IDWR for the administration of decreed water rights.

If our understanding of Explanatory Material is correct, we have no comments or suggestions regarding the draft Special Master Report and Recommendations of the subject subcases. If it is not correct, we would like an opportunity to discuss including the Explanatory Material in IDWR's record.

Sincerely

David W. Gehlert

cc: Nick Spencer, IDWR (via fax)
Kathleen Marion Carr (via fax)
Roger Ling (via fax)
John Marshall (via fax)

ROBERT D. LING
BRENT T. ROBINSON

JASON B. WALKER
TIMOTHY J. SCHEIDT
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
215 'H' STREET
P. O. BOX 398
RUPERT, IDAHO 83350-0398

AREA CODE 208
TELEPHONE 436-4717
FAX 438-6604

October 4, 2002

VIA FACSIMILE ONLY
(208) 736-3078

Terry Dolan, Special Master
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Subcases 36-02080, 36-15127 (36-15172A and 26-15127B), 36-15192, 36-15193 (36-15193A and 36-15103B), 36-15194 (36-155194A and 36-15194B), 36-15195 (36-15195A and 36-15195B), and 36-15196 (36-15196A and 36-16196B)

Dear Special Master Dolan:

This letter is in response to your Draft Special Master Report and Recommendation dated September 9, 2002, regarding the above subcases. Our only recommendations are that the Special Master Report and Recommendation include a section identifying the specific objections raised by A & B Irrigation District that had been preserved for review. These objections include the failure to identify drain and recaptured waste water as a source in the "B" claims and that there is no subordination to other water rights when this water is used. We would also request that the findings of fact include a finding that each of the "B" claims was made initially upon the reliance on I.C. § 42-1416 enacted in 1985 and repealed in 1994.

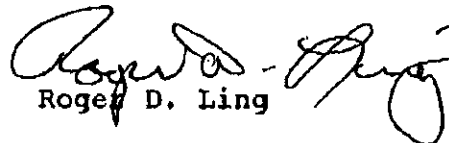
This information if provided in the findings of fact would more clearly establish the record and set forth the issues as they were argued. Otherwise the Special Master

Page 2
October 4, 2002

Report and Recommendation appears to accurately reflect the
Special Master's position in this matter.

Very truly yours,

LING & ROBINSON


Roger D. Ling

RDL:bcl

cc: Nick Spencer, IDWR (via fax)
Kathleen Marion Carr (via fax)
John Marshall (via fax)
David W. Gehlert (via fax)