

2005 JAN -6 PM 2: 49
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 VACATING STATUS
	)	CONFERENCE
Case No. 39576	)	
	)	FOR WATER RIGHT: 78-12025
	)	
	)	
	)	

I.

Procedural Background.

The above-captioned water right was 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*. An Objection was filed by the State of Idaho (Idaho). Objections were filed by Pickett Ranch and Sheep, Western Stockgrowers Association, Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke, Jared Bedke, Scott Bedke, Jerry Hoagland and Joyce Livestock (the Ranchers).

A *Standard Form 5/Amended Claim* form was filed, signed by the Claimant and Idaho as objector, on August 15, 2002. The *SF5* amended the claim to being solely a federal based water right. On August 29, 2002, a *Notice of Withdrawal of Objections and Responses* was filed by the Ranchers. On September 18, 2002, an *Order Dismissing Objections and Responses with Prejudice* was entered by Special Master Thomas Cushman. On May 15, 2003, a *Notice Regarding Priority Date* was filed by the Claimant, stating that the above right was a dual-based right. On April 21, 2004 an *Affidavit of Craig A. Johnson* was filed in conjunction with an April 23 2004 42-1411A(12) hearing before Special Master Thomas Cushman. The *Affidavit* appeared

to show that the above water right was located on after-acquired land. At the hearing, it was noted that an *SF5* would be submitted in the above subcase.

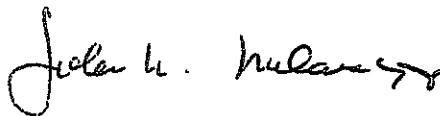
On June 10, 2004 a *SF5/ Amended Claim* was submitted, which stated that the right was dual based with a June 28, 1934 state-based priority date and a PWR 107 priority date of April 17, 1926. No objections were filed to the *SF5*. The Court rescinded the *Order of Reference to Thomas R. Cushman* for the above rights, stating that the Court, with Judge John Melanson presiding, would proceed in the above subcase in the same manner set forth in *Administrative Order 1* for Special Masters. At the December 21, 2004 status conference, Mr. Lee Leininger, representing the Claimant, stated that a *Standard Form 5* was circulating among the parties. The Court ordered that the Status Conference would be set for January 18, 2005 if the *SF5* was not filed before that date. On December 30, 2004, a *SF5/Amended Claim* form was filed signed by the Claimant and the Objector. I.D.W.R. concurred on the *SF5*.

II.

Order.

Therefore, IT IS ORDERED, that the **Status Conference set for January 18, 2004 is vacated.**

DATED: January 6, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING STATUS CONFERENCE was mailed on January 06, 2005, with sufficient first-class postage to the following:

STATE OF IDAHO

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