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*ALSO MEMBER WY & IL BARS
**ALSO MEMBER UT BAR
†ALSO MEMBER D. C. BAR
††ALSO MEMBER MO BAR
†††ALSO MEMBER IL BAR
‡ALSO MEMBER CA BAR

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
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LANE V. ERICKSON**
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BRENT L. WHITING
LISA R. TANNER‡
JUSTIN R. ELLIS
JOSHUA D. JOHNSON†††
JONATHAN S. BYINGTON

RECEIVED
JUN 07 2006
DEPARTMENT OF
WATER RESOURCES

June 5, 2006

Candice McHugh, Deputy Attorney General
State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Carl Phillips - Subcase Nos. 29-02379*

Dear Candice:

Regarding the above-referenced subcase, please find copies of the Notice of Appearance and Standard Form 1 Objection we've filed on behalf of the claimants, Carl and Nola Phillips.

We have three adjacent property owners, White, Labrouche and Eliason, all of whom are affected by the fence line which they and their predecessors in interest have recognized and farmed up to, which is not on the legal line per their deeds. Each has verbally agreed to sign a boundary line agreement recognizing the fence as the lawful boundary. This would support Phillips' claimed place of use up to the fence line.

The Department's maps clearly identify the location of the fence line and the cultivation and irrigation on each side.

I am just completing and sending out proposed Boundary Line Agreements to each of these three neighbors. If they're signed and returned for recording, we will be able to proceed accordingly. There may be some delay if a survey is required. Note in the SF-1 Objection, I have requested that the Court continue the July 18, 2006 hearing on the Department's Motion to Correct Clerical Error. While perhaps it may be more appropriate to file a Motion to Continue the Hearing, I thought that

Candice McHugh
June 5, 2006
Page 2

might be premature at this point until we can see where we come out on the boundary line agreements.

If you have any questions or suggestions in the meantime, feel free to give me a call.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Carl and Nola Phillips (w/encls.)

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June 5, 2006

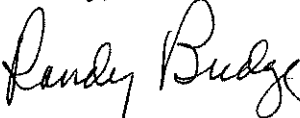
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Subcase No. 29-02379
Carl L. And Nola Rae Phillips

Dear Clerk:

Enclosed for filing in the captioned matter, please find Notice of Appearance and Standard Form 1 Objection.

Sincerely,


RANDALL C. BUDGE

RR

RCB:rr

Enclosures

cc: Mailing List (w/encls.)

Randall C. Budge (ISB#: 1949)
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& BAILEY, CHARTERED
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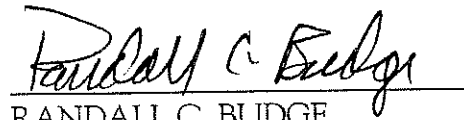
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

NOTICE OF APPEARANCE

Subcase: 29-02379

COMES NOW Randall C. Budge of the law firm of Racine, Olson, Nye, Budge & Bailey, Chartered, and hereby enters an appearance as attorney of record for and on behalf of the Claimant, Carl L. Phillips and Nola Rae Phillips, husband and wife, in the above matter, and requests that copies of any and all notices, pleadings, papers, or other documents affecting said proceedings in any manner, whatsoever, be served upon said counsel.


RANDALL C. BUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5 day of June, 2006, I served a true and correct

copy of the above and foregoing document to the following person(s) as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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United States Department of Justice
Environmental & Nat'l Resource Div.
550 W. Fort Street, MSC 033
Boise, Idaho 83724

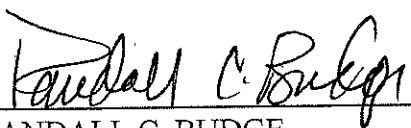
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Chief, Natural Resources Division
Office of Attorney General
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Boise, Idaho 83711-4449

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