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JUL 16 2007
DEPARTMENT OF
WATER RESOURCES

Attorneys for Boise-Kuna Irrigation District, Objector

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	)	Subcase Nos. 63-356, 63-357, 63-358,
	)	63-2663, and 63-21608
	)	
Case No. 39576	)	MOTION TO WITHDRAW
	)	OBJECTIONS
	)	
	)	
	)	
	)	

COMES NOW, the Objector, Boise-Kuna Irrigation District, by and through its counsel, Shelley M. Davis of the law firm, Barker Rosholt & Simpson, LLP, and hereby moves this Court for leave to withdraw the Objections filed by the Boise-Kuna Irrigation District in sub-case numbers 63-356, 63-357, 63-358, 63-2663, and 63-21608.

The objections were filed in an effort to protect the legal status of waste waters belonging to the Boise-Kuna Irrigation District. In recommendations to this Court from the Idaho Department of Water Resources, one source of water listed in the above-referenced recommendations was listed as "drains." This reference to drains as a source for the right appears to have been included as the result of language used in the June 11, 1956 decree in *Nicholson v. Reynolds Irrigation District and Sproat*. However, after touring the property where the points of diversion are located, it is clear that the reference to 'drains' in the decree does not reference drains or waste ways belonging to the

Boise-Kuna Irrigation District, or any drains or waste ways visible upon an inspection of the property, and therefore, as no waste water of the Objector is implicated in the recommendation, the Boise-Kuna Irrigation District hereby requests leave of the Court to Withdraw the Objections to recommendations in sub-case numbers 63-356, 63-357, 63-358, 63-2663, and 63-21608.

Dated this 12th day of July 2007.

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Counsel for Boise-Kuna Irrigation District

CERTIFICATE OF MAILING

I certify that on July 12, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: TFI Limited Partnership
Address: PO Box 690
Meridian, ID 83680-0690

Name: Scott and Sherri Nicholson
Address: P.O. Box 690
Meridian, ID 83680

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Shelley M. Davis
Attorney for Boise-Kuna Irrigation District