

D.W.R.

BEEMAN & ASSOCIATES, P.C. RECEIVED

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Anna R. Trentadue
anna.trentadue@beemanlaw.com

SEP 10 2007
DEPARTMENT OF
WATER RESOURCES
Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

September 6, 2007

Diana Delaney
SRBA Case Administrator
P. O. Box 2707
Twin Falls, ID 83303

Re: Subcase Nos. 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710
STATEMENT OF GARY AND HELEN DEMOSS FOR SEPTEMBER 5, 2007
SCHEDULING CONFERENCE, dated September 4, 2007

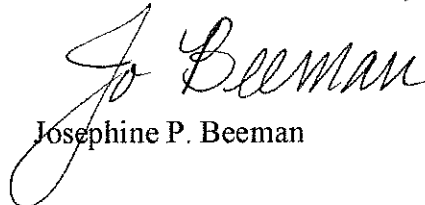
Dear Diana:

Enclosed is a replacement page 3 to the above-mentioned document filed with the SRBA court on September 5, 2007. Changes were made to footnote 5 to accurately list the number of objections and water right numbers.

Please replace the original page 3 with this revised page 3. Please feel free to call me if you have any questions.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

ja
Enclosure
Z:\3029\8094L
cc: Service List

priority rights in Basin 37, but only these five Idaho Power claims are part of Consolidated Subcase 92-23.⁵ The intent behind all of these objections, including the objections to the five Idaho Power rights, was to protect the DeMosses' SRBA claims 37-856, 37-2780, 37-2778, and 37-7754 from curtailment as a result of priority calls from downstream senior direct flow water rights. This is reflected in the common language of the reasons for the DeMoss objections.

Separate Streams:

For purposes of water distribution in the Big Wood River drainage basin (including the Malad River to which the Big Wood River is a tributary in Basin 37), water rights from the following sources to the extent recommended herein, are not considered junior to water rights from the Big Wood River, and the Malad River, and will be administered separately from all other water rights in Basin 37: Dry Creek tributary to Big Wood River in T05S, R14E, Section 22

Separate Administration:

The following water rights from the following sources of water in Basin 37 shall be administered separately from all other water rights in Basin 37 in accordance with the prior appropriation doctrine as established by Idaho law: Dry Creek tributary to Big Wood River in T05S, R14E, Section 22

The following water rights from the following sources of water in Basin 37 shall be administered separately from all other water rights in the Snake River basin in accordance with the prior appropriation doctrine as established by Idaho law: Dry Creek tributary to Big Wood River in T05S, R14E, Section 22

⁵ The 34 DeMoss objections in Basin 37 included 22 downstream senior priority water rights (37-238A, 37-239A, 37-239D, 37-240A, 37-240D, 37-447C, 37-447D, 37-507, 37-607D, 37-608D, 37-1160, 37-1175, 37-2128, 37-2471, 37-2472, 37-4091, 37-4112, 37-4241, 37-11131, 37-20709, 37-20710 and 37-21595), 8 water rights for which DeMoss withdrawals of objection are pending (37-859A, 37-1175A, 37-7108, 37-7857, 37-7865, 37-7920, 37-7922, and 37-7944) and the 4 DeMoss rights with storage components (37-856, 37-2780, 37-2778, and 37-7754).