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DEPARTMENT OF
WATER RESOURCES

2009 JUL 31 PM 02:00
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 SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NOS: SEE ATTACHED EXHIBIT A

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, AUGUST 18, 2009 at 11:30 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JULY 31, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JULY 31, 2009, with sufficient first-class postage to the following:

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(Certificate of mailing continued)

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Exhibit A

Subcase Nos:

37-00353
37-00353B
37-00353D
37-00353E
37-00353F
37-00353G
37-00353H
37-00353J
37-00353K
37-00353L
37-20348
37-21146
37-22042
37-22043

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



JOHN M. MELANSON
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

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AUG 03 2009

DEPARTMENT OF
WATER RESOURCES

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

July 31, 2009

Re: Water Right Nos. 37-00353, 37-00353B, 37-00353D, 37-00353E, 37-00353F, 37-00353G, 37-00353H, 37-00353J, 37-00353K, 37-00353L, 37-20348, 37-21146, 37-22042, and 37-22043

Dear Water Right Claimant:

The above-listed water right claims each claim a portion of a water right that was decreed to James Johnson in the case of *Frost v. Alturas Water Co.*, (Fourth Dist.) (Dec. 3, 1909). The right decreed therein to James Johnson was for 6.4 cubic feet per second (320 miner's inches) with a priority date of June 12, 1886. The sum of the quantity of water claimed in the Snake River Basin Adjudication under the Johnson right exceeds what is available under that right – i.e. 6.4 cfs.

The *Director's Report* for water right claim 37-00353G (claimant Barbara Berry) recommended that the claim be disallowed. Barbara Barry, through her attorney Paul Arrington filed objections in the SRBA to the *Director's Report* for her water right claim, asserting that it should not be disallowed. Barbara Barry also filed objections to the *Director's Report* for claims 37-00353F (James Oosting); 37-00353J (Olsen Livestock Consulting); 37-00353K (Danette Fisher and Mark Fisher); and 37-00353L (Annette Goicoechea and Tom Goicoechea), asserting that these claims should either have reduced diversion rates or alternatively be disallowed.

Barbara Berry has not filed objections to the remainder of the Johnson derivative claims. However, those claims have been identified by the Idaho Department of Water Resources (IDWR) as uncontested claims that may be affected by the outcome of the contested matter. Idaho Code § 42-1412(7).

At a status conference held on July 28, 2009, IDWR proposed that the parties (**including the claimants of the uncontested claims**) participate in a mandatory settlement conference. The purpose of this letter is to identify potential dates for this mandatory settlement conference. The potential dates are **October 23, 2009, or November 6, 2009**. The settlement conference will be held at the Gooding County Courthouse and will likely be moderated by Hon. Barry Wood, District Judge. A telephonic status conference will be held on **August 18, 2009, at 11:30 AM** for the purpose of fixing a date and time certain for the settlement conference. A separate notice is enclosed herewith regarding the status conference.

Sincerely,

Theodore R. Booth
Special Master
Snake River Basin Adjudication