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DEPARTMENT OF
WATER RESOURCES

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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

Subcase No.: See Exhibit A

**MLWU'S REPLY TO THE STATE OF
IDAHO'S RESPONSE BRIEF**

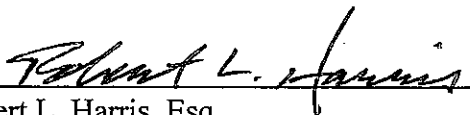
MUD LAKE WATER USERS, INC., MONTEVIEW CANAL CO., INDEPENDENT WATER USERS OF MUD LAKE, PRODUCERS IRRIGATION CO., AND JEFFERSON IRRIGATION DISTRICT (hereinafter, "MLWU"), by and through counsel of record, Robert L. Harris of Holden, Kidwell, Hahn & Crapo, PLLC, hereby submits this Reply to the State of Idaho's Response Brief.

Generally speaking, the State of Idaho's positions with regard to issues raised by MLWU is either neutral to those positions, or in support of those positions. Therefore, MLWU provides no reply to these responses.

The State of Idaho does argue that any potential flood water right remark should not require the watermaster to distinguish between base flows and flood flows in the Snake River channel. To

the extent this was implied in MLWU's argument, MLWU is not requiring the watermaster in his day-to-day activities to distinguish between various water sources in the Snake River. The thrust of MLWU's argument is that based on historic delivery records, there is a time period where the river is clearly bolstered by snowmelt, and based on those records, various water rights should have conditions included in them documenting the flood water nature of water so diverted under these water rights. MLWU believes that the inclusion of a flood water remark would become relevant in an administrative call situation, but is not intended to be seen as a requirement for the Water District 01 Watermaster to distinguish between various water types in the Snake River channel.

DATED this 12th day of August, 2009.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 14th day of August, 2009.

DOCUMENT SERVED: MLWU Response to Reply to State of Idaho's Response Brief

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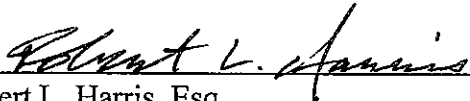
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EXHIBIT A

WR#	Claimant	Priority Date
1-4	TFCC	12/22/1915
1-5	NSCC	12/23/1915
1-6	AFRD	3/30/1921
1-7	BID	4/1/1939
1-8	MID	4/1/1939
1-9	Milner	4/1/1939
1-10	TFCC	4/1/1939
1-13	FID	4/1/1939
1-14	A&B	4/1/1939
1-16	NSCC	12/23/1915
1-17	Milner	11/14/1916
1-211A	BOR	3/26/1903
1-211B	BID	3/26/1903
1-212	North Side	10/7/1905
1-213	North Side	6/16/1908
1-214A	BOR	8/6/1908
1-214B	BID	8/16/1908
1-219	BOR	12/14/1909
1-2050	Milner	10/25/1939
1-2061	BOR	6/11/1956
1-10034	BOR	3/15/1911
1-10225	A&B	4/1/1984
1-10237	A&B	7/11/1968
1-10238	A&B	7/11/1968
1-10239	A&B	7/11/1968
1-10240	A&B	7/12/1968
1-10241	A&B	4/1/1978
1-10482	BOR	4/1/1940
1-10483	Amalgamated	5/18/1926