

Josephine P. Beeman #1806
 Beeman & Associates, P.C.
 409 West Jefferson Street
 Boise, ID 83702
 (208) 331-0950
 (208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com

Attorneys for City of Weiser

**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. 3-7009, 3-7034, 3-10010,
	)	3-10198, 67-2320, 67-4291, 67-4412,
Case No. 39576	)	67-10971, 67-10975, and 67-14129
	)	(City of Weiser)
_____	)	

**AMENDED JOINT STATUS REPORT OF
 IDWR AND THE CITY OF WEISER**

Pursuant to the Court's Order Granting Motion to Vacate Trial, dated January 7, 2010, the City and IDWR submit this joint written status report regarding the unresolved issues affecting six of the subcases. In their previous statements to the Court, the City and IDWR explained that there were two remaining issues to be resolved. This report provides an update on the status of the negotiations regarding the two remaining issues.

(1) The first issue was whether a combined capacity limitation is necessary for the Snake River and Weiser River rights that are diverted for the City of Weiser's potable system (3-10010, 3-10267¹, 3-7009, and 67-14129²). The City has been able to determine and is discussing with

¹ 3-10267 is a 1912 priority for 1.94 cfs late claim which will be filed to reflect staged development of the City of Weiser's diversion facilities. 3-10010 will reflect 1.87 cfs for 1903. 3-7009 will be 0.65 cfs from 1972. All three rights are from the Snake River)

² Depending upon the resolution of the diversion capacity issue, there will either be a withdrawal of the objection to 67-14129 or an SF5 will be executed for 67-14129 for 0.65 cfs with a 1972 priority date; and two new claims (1.8 cfs with priority of 1903, and 1.94 cfs with priority of 1912) will be filed. These are all Weiser River rights for the City's potable system.

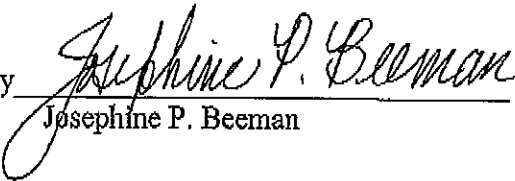
IDWR that records are available to show that plant capacity as of 1987 was not restricted by the licensed capacity for the Snake River diversions into the plant.

(2) The second issue concerns the points of diversion for the two ground water rights in the Weiser drainage which are part of the potable system (67-4291 and 67-2320).³ The review indicates there is no reason to amend these two claims. Thus, this second issue is resolved.

The City and IDWR will continue to discuss the one remaining issue. However, to keep this matter moving towards resolution, the City of Weiser and IDWR request a status conference at the next available date.

Respectfully submitted this 29th day of January 2010.

BEEMAN & ASSOCIATES P.C.
Attorneys for the City of Weiser

By 
Josephine P. Beeman

³ The City's potable ground water rights 67-4291 and 67-2320 currently list only a single point of diversion for each water right. The City does not intend to file amended claims to show two alternate points of diversion for these two ground water rights.

CERTIFICATE OF SERVICE

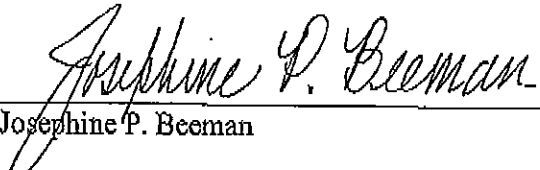
I HEREBY CERTIFY that on the 29th day of January 2010, I caused a true copy of the foregoing document to be deposited in an official U.S. Post Office box with First Class postage affixed, addressed to the following:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

STATE OF IDAHO
REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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

GARRICK BAXTER
DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
PO BOX 83720
BOISE, IDAHO 83720-0098



Josephine P. Beeman