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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

)

Subcase No. 34-12639

)

)

IDWR'S REPORT RE:

Case No. 39576

)

CONSOLIDATION LIST

)

DESCRIPTIVE SUMMARY

This document is IDWR's Report Re: Consolidation List.

DISCUSSION

At the January 17, 1996, scheduling conference, the Special Master for Basin 34 requested that IDWR submit a list of Basin 34 subcases that could be consolidated with the above-referenced subcase. Specifically, the Special Master requested two lists: 1) a list of all subcases in Basin 34 that involve the issue of whether the United States is bound by the Utah

Constr. Co. v. Abbott decree and therefore precluded by res judicata from asserting a priority date earlier than March 16, 1923; and 2) a list of all subcases in Basin 34 that involve the issue of whether the United States is the proper owner of the water right.

Pursuant to the Special Master's request, IDWR submits the following lists:

1. Subcases Involving the "Res Judicata" Issue

Appendix A to this report lists all subcases in Basin 34 that involve the res judicata issue.¹ The list also identifies the claims that have been withdrawn. The list further identifies those subcases that have Standard Form 5s filed with the Court but which have not been signed by the Director. The original director's report for these water right claims erroneously recommended a pre-1923 priority date; however, in each of these subcases, the Director's response corrects this error and recommends a March 16, 1923, priority date.

Appendix B to the report lists all recommended claims in Basin 34 that have not been objected to (and therefore are not subcases), but which raise the res judicata issue.² The original director's report for these water right claims erroneously recommended a pre-1923 priority date. The revised director's report, to be prepared and filed following resolution of Basin Wide Issue no. 4, will recommend a March 16, 1923, priority date for these water rights based on res judicata. See IDWR's Report for September 19, 1995, Status Conference.

¹ Most of these subcases involve claims by the Bureau of Land Management (BLM); a few involve claims by the United States Forest Service. Of the claims by the BLM, most involve dual-based claims. See IDWR Proposal for the Procedure for Decreeing Dual-Based Claims.

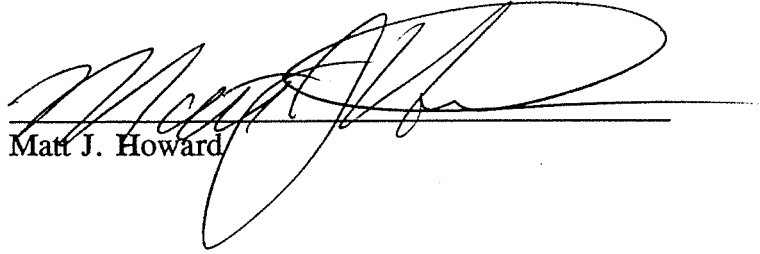
² Most of these recommendations involve claims by the Bureau of Land Management (BLM); a few involve claims by the United States Forest Service. Of the claims by the BLM, most involve dual-based claims. See IDWR Proposal for the Procedure for Decreeing Dual-Based Claims.

Appendix C to the report lists all abstracts. These abstracts were filed by the United States Forest Service and none are contested.

2. Subcases Involving the "Ownership" Issue

In addition to this subcase, only four other subcases in Basin 34 raise the ownership issue: 34-02550, 34-02553, 34-02591, and 34-04177.

DATED this 31st day of January, 1996.



Matt J. Howard

CERTIFICATE OF MAILING

I certify that on January 31, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

Via facsimile

2. Copies to:

William M. Ferry
U.S. Department of Justice
Env't. & Nat. Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724-0663

VerNon Roche
Star Route
Mackay, ID 83251



Signature of person mailing form

Basin 34 Subcases that Involve Res Judicata Issue

34-11447	34-11449	34-11450	34-11451	34-11452	34-11453
34-11454	34-11455	34-11475	34-11476	34-11477	34-11478
34-11479	34-11480	34-11481	34-11482	34-11483	34-11484
34-11485	34-11486	34-11487	34-11488	34-11489	34-11490
34-11491	34-11492	34-11493	34-11494	34-11495	34-11496
34-11497	34-11509	34-11549	34-11550	34-11551	34-11552
** 34-11563	34-11568	** 34-11570	** 34-11575	34-11576	34-11578
** 34-11579	34-11580	34-11581	34-11582	34-11583	34-11645
34-11659	34-11661	34-11662	34-11685	34-11946	34-11947
34-11948	34-11949	34-11950	34-11951	** 34-11955	34-12442
34-12444	34-12445	34-12446	34-12447	34-12448	34-12450
34-12451	34-12452	34-12467	34-12468	34-12487	34-12512
34-12513	34-12514	* 34-12520	34-12546	34-12547	34-12549
* 34-12550	34-12554	* 34-12555	* 34-12556	* 34-12557	* 34-12558
* 34-12563	* 34-12565	* 34-12567	* 34-12568	* 34-12576	* 34-12577
* 34-12578	* 34-12579	* 34-12600	34-12639	34-12742	* 34-12841
* 34-12892	* 34-12893	34-12894	34-12895	34-12943	34-13078
34-13084	34-13085	34-13086	34-13087	34-13088	* 34-13089
34-13090	34-13091	* 34-13092	* 34-13093	* 34-13094	34-13095
* 34-13096	* 34-13097	* 34-13098	* 34-13099	34-13100	34-13101
* 34-13106	* 34-13107	* 34-13108	* 34-13109	* 34-13110	* 34-13111
* 34-13112	* 34-13113	34-13114	* 34-13115	* 34-13116	* 34-13117
34-13145	34-13146	34-13147	34-13148	* 34-13149	* 34-13150
* 34-13151	* 34-13152	* 34-13153	34-13154	34-13155	* 34-13156
34-13157	* 34-13158	* 34-13159	* 34-13160	34-13161	34-13162
34-13163	34-13164	* 34-13165	34-13166	* 34-13167	34-13168
34-13169	* 34-13170	34-13171	34-13172	* 34-13173	34-13174
34-13175	34-13176	* 34-13177	34-13178	34-13179	34-13180
34-13181	34-13182	34-13183	34-13184	* 34-13185	34-13186
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* 34-13193	34-13194	34-13195	34-13196	34-13197	* 34-13198
* 34-13199	34-13200	34-13201	34-13202	34-13203	34-13204
34-13205	34-13206	34-13207	34-13208	34-13209	34-13210
34-13211	* 34-13212	* 34-13213	34-13214	34-13215	* 34-13216
* 34-13217	* 34-13219	34-13220	* 34-13221	* 34-13222	34-13223
* 34-13224	* 34-13225	* 34-13226	* 34-13227	34-13228	34-13229
34-13230	34-13231	* 34-13232	* 34-13233	* 34-13234	34-13235
34-13237	34-13238	34-13239	* 34-13240	34-13241	* 34-13242
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* 34-13250	* 34-13251	* 34-13252	34-13253	* 34-13254	* 34-13255
* 34-13256	34-13257	34-13258	34-13260	34-13261	34-13262
* 34-13263	34-13264	* 34-13265	34-13266	34-13267	34-13269
34-13271	34-13272	34-13273	34-13274	34-13275	* 34-13276
* 34-13277	* 34-13278	* 34-13279	34-13280	34-13281	34-13282
34-13283	* 34-13284	34-13285	34-13286	34-13287	34-13288
34-13289	34-13290	34-13291	* 34-13292	* 34-13293	* 34-13294
* 34-13295	34-13296	* 34-13297	34-13298	* 34-13299	* 34-13300
* 34-13301	* 34-13317	* 34-13332	* 34-13333	* 34-13334	34-13337
34-13338	34-13339	34-13347	* 34-13348	34-13352	34-13353
34-13354	34-13355	* 34-13367	34-13387	* 34-13390	34-13392
34-13407	34-13408	34-13409			

* These subcases have been dismissed pursuant to the Special Master's Preliminary Report and Recommendation dated October 30, 1995.

** These claims were withdrawn pursuant to a stipulation of the parties and IDWR.

Subcases in **bold** have Standard Form 5s filed with the court, which have not been signed by the Director.

Basin 34 Recommended Claims that Involve Res Judicata Issue

34-10954	34-10955	34-10956	34-10957	34-10958	34-10959
34-10960	34-10961	34-10962	34-10963	34-10964	34-10965
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34-10972	34-10973	34-10974	34-10975	34-10976	34-10977
34-10978	34-10979	34-10980	34-10981	34-10982	34-10983
34-10984	34-10985	34-10986	34-10987	34-10988	34-10989
34-10990	34-10991	34-10992	34-10993	34-10994	34-10995
34-10996	34-10997	34-10998	34-10999	34-11000	34-11001
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34-11068	34-11069	34-11070	34-11071	34-11072	34-11073
34-11074	34-11075	34-11076	34-11077	34-11078	34-11079
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Basin 34 Abstracted Claims that Involve Res Judicata Issue

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