

JUN 13 2003

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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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 Number: 43-10363
	)	
Case No. 39576	)	MOTION TO DISMISS OBJECTION
_____	)	

Pursuant to Idaho R. Civ. P. 41(a)(2), the United States of America, by and through the undersigned attorney, respectfully moves this court for an order dismissing its objection to Water Right Number 43-10363, with prejudice, filed on behalf of the United States Department of Interior, Bureau of Land Management (hereinafter "BLM").

The United States, by and through the BLM, objected to Water Right Number 43-10363 filed by the Claimants Walter and Delia Lovingfoss. On August 19, 2002, the parties filed a

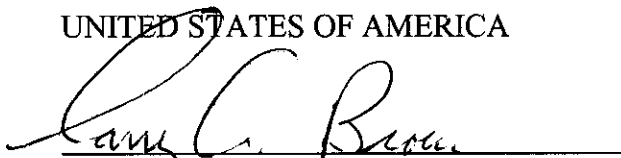
Standard form 5 that resolved BLM's objection. However, the Claimants filed a Motion to Alter or Amend the Special Master's Report and Recommendation. On May 30, 2003, the Idaho Department of Water Resources filed and served an Amended Director's Report for Water Right Number 43-10363 that resolved BLM's objection. Based upon the Amended Director's Report, the BLM's objection should be dismissed with prejudice.

There appearing to be good cause, this Court should issue an order dismissing the BLM's objection with prejudice.

DATED this 11th day of June 2003.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in cursive script, appearing to read "Larry A. Brown", is written over a horizontal line.

Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

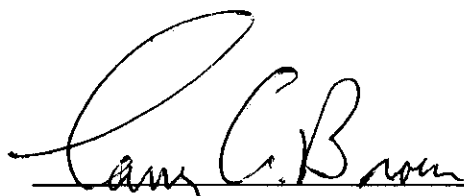
I certify that on June 11, 2003, I served a true and correct copy of the foregoing **MOTION TO DISMISS OBJECTION; SUBCASE NUMBER 43-10363 and proposed ORDER** by placing the documents in the United States Mail in Washington D. C., postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Walter J. Lovingfoss
Delia L. Lovingfoss
HC 61 Box 1020
Malta, ID 83342



Signature of Attorney Serving Documents

**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 Number 43-10363

)

Case No. 39576

) **ORDER GRANTING MOTION TO
DISMISS OBJECTION**

On June 11, 2003, the United States of America filed a Motion to Dismiss Objection in Subcase Number 43-10363. The Motion states:

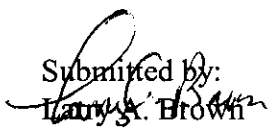
The United States, by and through the BLM, objected to Water Right Number 43-10363 filed by the Claimants Walter and Delia Lovingfoss. On August 19, 2002, the parties filed a Standard form 5 that resolved BLM's objection. However, the Claimants filed a Motion to Alter or Amend the Special Master's Report and Recommendation. On May 30, 2003, the Idaho Department of Water Resources filed and served an Amended Director's Report for Water Right Number 43-10363 that resolved BLM's objection. Based upon the Amended Director's Report, the BLM's objection should be dismissed with prejudice.

Based upon the Motion of the United States, the Amended Director's Report filed in the above-captioned Subcase, and the record herein, and there appearing to be good cause, it is

ORDERED that the United States Department of the Interior, Bureau of Land Management's objection in Subcase 43-10363 is dismissed with prejudice, and the United States is dismissed as a party.

DATED this _____ day of June, 2003.

Submitted by:

 Larry S. Brown

Of Attorneys for the United States

Special Master, Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that on _____, 2003, I served a true and correct copy of the foregoing **ORDER GRANTING MOTION TO DISMISS OBJECTION; SUBCASE NUMBER 43-10363** by placing the document in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
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Deputy Clerk