

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

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Department of Water Resources

R. LEE LEININGER
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
General Litigation Section
999 18th St. Suite 945
Denver, CO 80202
(303) 312-7322

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

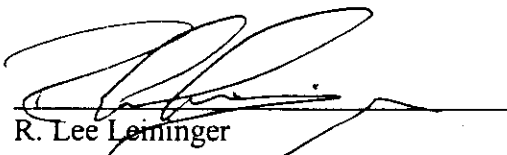
In Re SRBA	)	Subcase Nos.: 37-15032, 37-18897, 37-
	)	18902, 37-19621,, 37-20044, 37-20045, 37-
	)	20199, 37-20207, 37-20231, 37-20235, 37-
	)	20233, 37-20234
	)	
Case No. 39576	)	MOTION TO WITHDRAW THE
	)	FEDERAL LAW RESERVED RIGHT
	)	BASIS FOR THE CLAIM AND TO
	)	PROCEED UNDER THE STATE LAW
	)	BENEFICIAL USE BASIS FOR THE
	)	CLAIM
	)	

The United States hereby moves for an order withdrawing the federal law reserved right basis for the above referenced claims. These water rights were claimed under dual bases of federal and state law. The federal law claim was made pursuant to Public Water Reserve no. 107, an executive order that reserved vacant, unappropriated and unreserved public domain that

contained springs and waterholes. The lands containing these claims, while currently located on vacant, unappropriated and unreserved public domain, are lands that were acquired from the State or from private parties. *See* Amended Affidavit of Lisa A. Jaro, subcases 37-14346, *et al.*, filed May 15, 2003. Consequently, the United States, on behalf of the Bureau of Land Management, requests that the federal reserved basis be withdrawn and the Court proceed under the state law beneficial use basis for the rights.

The Court has set a status conference for August 13, 2003 at 11:00 a.m. to discuss various subcases in basin 37 where the BLM is the claimant. The United States respectfully asks that at this scheduled hearing the Court include these subcases in a discussion on the appropriate procedure for reporting or recommending the state law bases for these claims.

Respectfully submitted,



R. Lee Leininger
Trial Attorney
United States Department of Justice

CERTIFICATE OF SERVICE

I certify that on this 13th day of May, 2003, I served a true and correct copy of foregoing motion upon the following individuals by serving as indicated, postage pre-paid, addressed as follows:

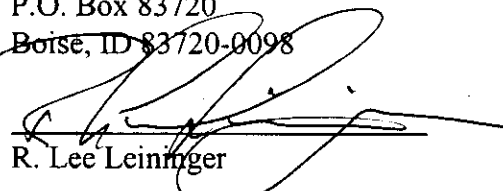
via Facsimile:

Diana R. Delaney, Chief Deputy Clerk
(Original)
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301

via First-Class Mail:

U.S. Department of Justice
Environment and Natural Resources
550 W. Fort Street, MSC 033
Boise, ID 83724

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



R. Lee Leininger