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Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

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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 Numbers: See Attached Exhibit A
	)	
	)	MOTION TO SET ASIDE PARTIAL
Case No. 39576	)	DECREES AND REFER SUBCASES
_____	)	TO THE SPECIAL MASTER

MOTION

The United States of America, by and through the undersigned attorney, respectfully
moves this Court for the following:

1. Pursuant to Idaho R. Civ. P. 60(a), for an Order setting aside the partial decrees filed in the above-captioned subcases because, through oversight or omission, the water rights were decreed with valid objections still pending.

2. For an Order referring the above-captioned subcases to the Special Master to resolve pending objections.

MEMORANDUM OF POINTS AND AUTHORITIES

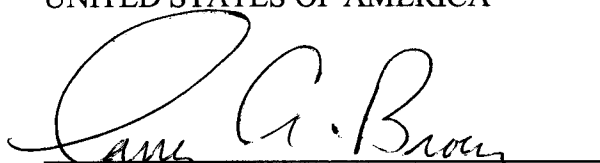
The above-captioned subcases are stockwatering claims filed by the United States Department of the Interior, Bureau of Land Management (hereinafter “BLM”). The State of Idaho and the BLM filed timely objections to the claims. Bert Brackett, Brackett Ranches, Ltd, and Brackett Livestock, Inc. (hereinafter collectively “Bracketts”) filed Motions to File Late Objections to the claims. The United States and the Bracketts resolved Bracketts’ issues with the above-captioned subcases in the Stipulation and Joint Motion for Order Approving Stipulation filed in the above-captioned subcases. Based upon the Joint Motion to Dismiss Objections, Motions to File Late Objections, and Motions to Set Aside Partial Decrees filed in the above-captioned subcases, Bracketts’ Motions to File Late Objections were dismissed with prejudice. Through oversight or omission, neither the BLM’s objections, nor the State of Idaho’s objections, were resolved and dismissed prior to the partial decrees being filed.

Therefore, for good cause shown, this Court should set aside the partial decrees filed in the above-captioned subcases. In accordance with Administrative Order 1, 10.b., the above-captioned subcases should be referred to the Special Master to resolve pending objections.

DATED this 13th day of August 2003.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in cursive script, reading "Larry A. Brown", written over a horizontal line.

Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on Aug. 13, 2003, I served a true and correct copy of the foregoing **MOTION TO SET ASIDE PARTIAL DECREES AND REFER SUBCASES TO THE SPECIAL MASTER; SUBCASES 51-11969, ET AL.** by placing the documents in the United States Mail in Washington D.C., postage paid, and addressed as follows:

Original to:

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

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
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ad by FAX JS


Signature of Person Serving Documents

EXHIBIT A

51-11969
51-11971
51-11972
51-11974
51-11975
51-11976
51-12013
51-12079
51-12349
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