

SEP 11 2003

Department of Water Resources

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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	)	Subcases 36-02080, 36-15127 (36-15127A
	)	and 36-15127B), 36-15192, 36-15193 (36-
Case No. 39576	)	15193A and 36-15193B), 36-15194 (36-
_____	)	15194A and 36-15194B), 36-15195 (36-
	)	15195A and 36-15195B), 36-15196 (36-
United States of America,	)	15196A and 36-15196B)
	)	
Appellant.	)	UNITED STATES' NOTICE OF APPEAL
_____	)	

TO: THE IDAHO ATTORNEY GENERAL'S OFFICE, RESPONDENTS THROUGH THEIR ATTORNEY OF RECORD JEFFREY C. FEREDAY, APPELLANT A & B IRRIGATION DISTRICT THROUGH THEIR ATTORNEY OF RECORD ROGER D. LING, AND THE CLERK OF THE ABOVE-NAMED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. Appellant United States of America ("United States") appeals to the Idaho Supreme Court from the *Order on Challenge* entered on April 25, 2003, the *Order of Partial Decree* entered on May 7, 2003 and the *Memorandum Decision and Order Denying Motion for Reconsideration* entered on July 25, 2003 in the above-captioned action, Honorable Roger Burdick, presiding.
2. Appellant United States has a right to appeal to the Idaho Supreme Court and the judgments and orders described in paragraph 1 are appealable Orders pursuant to Idaho Appellate Rule 11(a)(3).
3. The parties to this appeal are Appellant United States, Appellant A & B Irrigation District and Respondents Magic Valley Ground Water District, *et al.*
4. Appellant United States intends to assert the following issue on appeal: Whether the District Court erred in concluding that the source of the water for the "B" rights should be identified as groundwater rather than as groundwater, waste, seepage and return flows.
5. Appellant A & B Irrigation District and Respondents have both requested documents to be included in the Clerk's Record in addition to those automatically included under Rule 28, I.A.R. Appellant United States is unaware of any additional documents which should be included in the record.
6. I certify:

- (a) That a copy of this *Notice of Appeal* has been served on the Reporter;
- (b) That the appellate filing fee in the amount of \$86.00 (eighty-six dollars) will be made payable to the Idaho Supreme Court.
- (c) That service has been made upon all parties required to be served pursuant to Rule 20 and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED this 8<sup>th</sup> day of September, 2003.

Respectfully Submitted,



DAVID L. NEGRI  
DAVID W. GEHLERT  
United States Department of Justice  
Counsel for the United States

CERTIFICATE OF MAILING

I hereby certify that on the 8<sup>th</sup> day of September, 2003, I served a true and correct copy of the **United States' Notice of Appeal** by postage prepaid in the U.S. Mail and envelopes addressed to the following parties upon:

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