

**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: 82-10557, 82-10640, |
|                | ) | 82-10659, and 85-12131               |
|                | ) |                                      |
| Case No. 39576 | ) | <b>MOTION TO SET ASIDE PARTIAL</b>   |
|                | ) | <b>DECREES AND REFER SUBCASES</b>    |
| _____          | ) | <b>TO THE SPECIAL MASTER</b>         |

**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, the BLM, and others filed timely objections to the claims. Upon Notice of Withdrawal of Objections filed by the State of Idaho and other parties, all objections except the BLM's were dismissed. Through oversight or omission, Special Master's Reports and Recommendations and Partial Decrees were filed while BLM's objections were pending.

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 24<sup>th</sup> day of February 2004.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in dark ink, 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 2/9, 2004, I served a true and correct copy of the foregoing **MOTION TO SET ASIDE PARTIAL DECREES AND REFER SUBCASES TO THE SPECIAL MASTER; SUBCASE NUMBERS 82-10557, 82-10640, 82-10659, AND 85-12131**, by placing the documents in the United States Mail in Washington D.C., postage paid, and addressed as follows:

Original to:

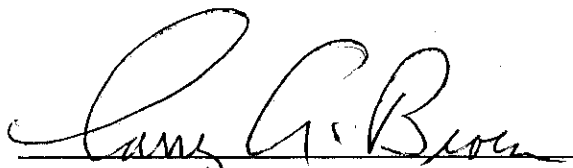
Clerk of the Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

Copies to:

U.S. Department of Justice  
General Litigation Section  
Environment and Natural Resources Division  
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P.O. Box 44449  
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