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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 Number: 47-15417
	)	
	)	MOTION TO SET ASIDE PARTIAL
Case No. 39576	)	DECREE AND REFER SUBCASE 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 decree filed in
the above-captioned subcase because, through oversight or omission, the water right was

incorrectly decreed under a state-law basis with a June 28, 1934 priority date.

2. For an Order referring the above-captioned subcase to the Special Master for an evidentiary hearing under IDAHO CODE § 42-1411A.

MEMORANDUM OF POINTS AND AUTHORITIES

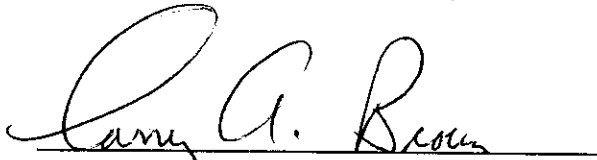
The above-captioned subcase is a dual-based stockwatering claim filed by the United States Department of the Interior, Bureau of Land Management (hereinafter "BLM"). The State of Idaho and the BLM filed timely objections to the claim. The parties filed a Standard Form 5 Amended Claim that elected the federal reserve basis under Public Water Reserve 107, amended the state-law based priority date, and amended the description of the point of diversion. Through oversight or omission, the Special Master's Report and Recommendation and Partial Decree was filed as if the Standard Form 5 Amended Claim had elected the state-law basis for the claim.

Therefore, for good cause shown, this Court should set aside the partial decree filed in the above-captioned subcase. In accordance with Administrative Order 1, 10.b., the above-captioned subcase should be referred to the Special Master for an evidentiary hearing under IDAHO CODE § 42-1411A.

DATED this 10th day of August 2004.

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. 10, 2004, I served a true and correct copy of the foregoing **MOTION TO SET ASIDE PARTIAL DECREE AND REFER SUBCASE TO THE SPECIAL MASTER; SUBCASE NUMBER 47-15417** 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:

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Environment and Natural Resources Division
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