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Department of Water Resources

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

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

Case No. 39576

) Subcase Nos.:57-07230, 57-02484
)
)
)
)
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)
)

**AMENDED MOTION TO REOPEN
PARTIAL DECREES**

Consistent with the Special Master's Order dated April 17, 2003 setting a deadline for the filing an amended motion, the United States hereby amends its Motion to Reopen Partial Decrees filed with this Court on February 14, 2003. The original motion contained an error in the legal description of the attached proposed Amended Partial Decree for subcase 57-02484. A corrected proposed Amended Partial Decree is attached to this document. The remainder of the motion remains substantially the same, as follows:

The United States moves for an order reopening these subcases to correct recently discovered errors in the source description and to remove stockwatering from the purpose of use. These errors were uncovered in preparation for a January hearing before the Special Master on these and other water rights identified as potential over-lapping state law and federal law based claims to the same sources of water.

57-07230

This water right claim is based upon a state issued license. A partial decree for this right was issued on February 9, 1998. However, the partial decree contains an inaccurate description of the point of diversion and place of use. The point of diversion and place of use should be T05S R03W S13 SWNW. The spring source for this water right is also claimed pursuant to Public Water Reserve no. 107 under claim number 57-11287. In order to conform the licensed right with the PWR 107 right, the United States respectfully asks that the partial decree for 57-07230 be amended to drop stockwatering as a purpose of use, change the POD/POU to the correct quarter-quarter location, and change the source description to “spring” tributary to “sinks” as shown on the attached revised partial decree.

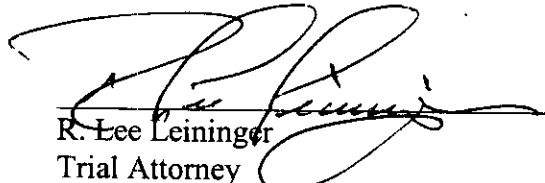
57-02484

This water right claim is based upon a state issued license. A partial decree for this right was issued on November 26, 1997. However, the partial decree contains an inaccurate description of the spring source. The source of the water is an unnamed spring. The spring source for this water right is also claimed pursuant to Public Water Reserve no. 107 under claim number 57-11246. In order to conform the licensed right with the PWR 107 right, the United States respectfully asks that the partial decree for ~~57-07230~~ 57-02484 be amended to drop stockwatering as a purpose of use and change the

source description to tributary to "sinks" as shown on the attached revised partial decree.

DATED this 25th day of April, 2003.

Respectfully submitted,


R. Lee Leininger
Trial Attorney
United States Department of Justice

CERTIFICATE OF SERVICE

I certify that on this ____ day of April, 2003, I served a true and correct copy of fore-going motion upon the following individuals by serving as indicated, postage pre-paid, addressed as follows:

via Facsimile:

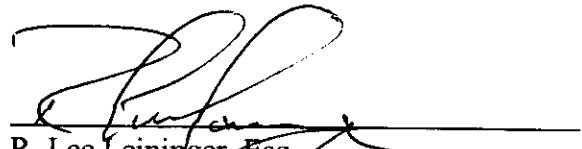
Diana R. Delaney, Chief Deputy Clerk (Original)
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301

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

David Barber, Esq.
Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, ID 83711-4449


R. Lee Leininger, Esq.

In Re SRBA) PROPOSED AMENDED
)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
) (based on PD dated 11/26/1997)
Case No. 39576)
)
) WATER RIGHT 57-02484

PAGE 1 - PROPOSED AMENDED PARTIAL DECREE FOR SUBCASE 57-02484, AMENDED MOTION TO REOPEN PARTIAL DECREES; SUBCASE NUMBERS: 57-02484 AND 57-07230.

In Re SRBA	)	<u>PROPOSED AMENDED</u>
	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
	)	<u>(based on PD dated 02/09/1998)</u>
Case No. 39576	)	
	)	WATER RIGHT 57-07230

PAGE 1 - PROPOSED AMENDED PARTIAL DECREE FOR SUBCASE 57-07230, AMENDED MOTION TO REOPEN PARTIAL DECREES; SUBCASE NUMBERS: 57-02484 AND 57-07230.