

APR 29 2003

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

**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 Nos.:57-07230, 57-02484
	)	
	)	
Case No. 39576	)	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.

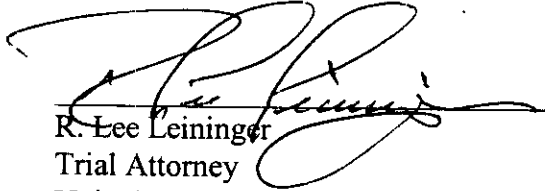
57-02484

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:

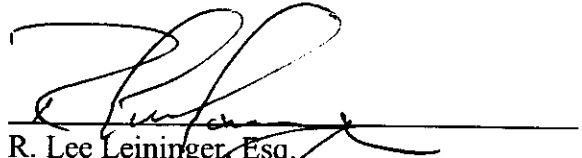
Diana R. Delaney, Chief Deputy Clerk (Original)
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301

via First-Class Mail:

U.S. Department of Justice
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R. Lee Leininger, Esq.

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)
_____) **PROPOSED AMENDED**
 PARTIAL DECREE PURSUANT TO
 I.R.C.P. 54(b) FOR
 (based on PD dated 11/26/1997)
 WATER RIGHT 57-02484

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-**1657**

SOURCE: ~~RED BLUFF SPRING~~ TRIBUTARY: ~~WILSON CREEK~~
 SPRING **SINKS**

QUANTITY: 0.1 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/06/1966

POINT OF DIVERSION: T01S R04W S23 NWSWNE Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	~~STOCKWATER~~	~~01-01 TO 12-31~~	~~0.1 CFS~~
	WILDLIFE	01-01 TO 12-31	0.1 CFS

PLACE OF USE:	~~STOCKWATER~~		~~Within OWYHEE County~~
	T01S R04W S23	SWNE	
	WILDLIFE		Within OWYHEE County
	T01S R04W S23	SWNE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

**THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED
BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.**

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.