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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 Nos.:57-07230, 57-02484
	)	
	)	
Case No. 39576	)	MOTION TO REOPEN PARTIAL DECREES
	)	
	)	

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

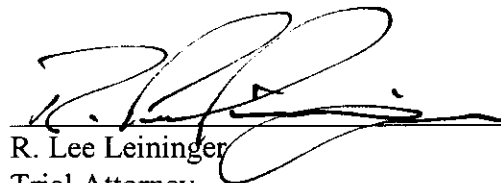
issued on February 9, 1998. However, the partial decree contains an inaccurate description of the point of diversion and place of use. The point of diversion and place of use should be T05S R03W S13 SWNW. The spring source for this water right is also claimed pursuant to Public Water Reserve no. 107 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 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 12/14 day of February, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Lee Leininger', is written over a horizontal line.

R. Lee Leininger
Trial Attorney
United States Department of Justice

FEB 18 2003

Department of Water Resources

CERTIFICATE OF SERVICE

I certify that on this 14th day of February, 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 & Federal Express mail:

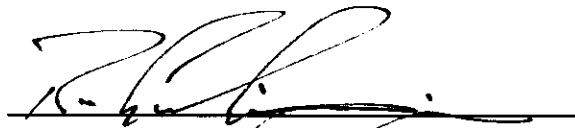
Diana R. Delaney, Chief Deputy Clerk (Original)
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301

via Facsimile & 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.

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Department of Water Resources

PROPOSED AMENDED PARTIAL DECREE

Right Number: 57-07230

Name and Address: ~~US DEPT OF INTERIOR~~
~~BUREAU OF LAND MANAGEMENT~~
~~IDAHO STATE OFFICE~~
~~3380 AMERICANA TERRACE~~
~~BOISE, ID 83706~~

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

Source: ~~DRISCOL SPRING~~ Tributary: ~~BATES CREEK~~
SPRING SINKS

Quantity: .01 CFS
.10 AFY

Priority Date: 04-06-1972

Diversion Point: T05S R03W S13 ~~SENESEW~~ Within Owyhee County
SNNW

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	<u>Stockwater</u>	<u>04-01 TO 11-30</u>	<u>.01 CFS</u>
			<u>.10 AFY</u>
	Wildlife	01-01 TO 12-31	.01 CFS
			.10 AFY

Place of Use: Stockwater Within Owyhee County
~~T05S R03W S13~~ NESW

Wildlife
~~Same as Other Use~~
T05S R03W S13 SNNW

Other Provisions Necessary for Definition / Administration of this Water Right:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISION 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 DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

Explanatory Material: Basis of Claim - License
BLM RECORD ID = 5701588208

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Department of Water Resources

PROPOSED AMENDED PARTIAL DECREE

Right Number: 57-02484

Name and Address: ~~US DEPT OF INTERIOR~~
~~BUREAU OF LAND MANAGEMENT~~
~~IDAHO STATE OFFICE~~
~~3380 AMERICANA TERRACE~~
~~BOISE, ID 83706~~

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: .10 CFS

Priority Date: 06-06-1966

Diversion Point: T01S R04W S23 NENW Within Owyhee County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Stockwater~~	~~01-01 TO 12-31~~	~~.10 CFS~~
	Wildlife	01-01 TO 12-31	.10 CFS

Place of Use:	~~Stockwater~~	~~Within Owyhee County~~
	~~T01S R04W S23~~	~~NENW~~
	Wildlife	Within Owyhee County
	T01S R04W S23	NENW

Other Provisions Necessary for Definition / Administration of this Water Right:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISION 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 DECREE. SECTION 42-1412(6), IDAHO CODE.

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

Explanatory Material: Basis of Claim - Decreed
BLM RECORD ID = 5701588346