



Movant: State of Idaho

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279 JUN -4 PM 3: 29

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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.: See Attached Exhibit 1

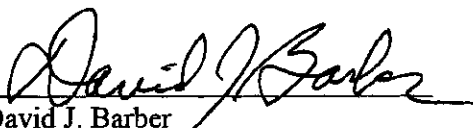
**STATE OF IDAHO'S CROSS-MOTION
FOR SUMMARY JUDGMENT**

The State of Idaho moves the District Court to enter an Order that does all of the following: (i) declares that the United States must demonstrate as part of its *prima facie* case for the unresolved Public Water Reserve No. 107 claims that the lands for which the claims are made were reserved in accordance with section 204 of the Federal Land Policy and Management Act, Pub. L. 94-579, 90 Stat. 2743, hereinafter "FLPMA," and (ii) declares that the United States breached the settlement agreement evidenced by the STIPULATION TO RESOLVE OBJECTIONS TO CERTAIN CLAIMS BASED UPON PUBLIC WATER RESERVE NO. 107

entered on August 9, 1999. The bases for these motions are set forth in the attached STATE OF IDAHO'S BRIEF OPPOSING THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF IDAHO'S CROSS-MOTION FOR SUMMARY JUDGMENT.

DATED this 4th day of June, 2002.

ALAN G. LANCE
Attorney General


David J. Barber
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June 2002, I caused to be served true and correct copies of the foregoing STATE OF IDAHO'S CROSS-MOTION FOR SUMMARY JUDGMENT by the methods designated below as follows:

Mr. Larry Brown, Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
380 Park Center Blvd., Suite 330
Boise, Idaho 83706

☒ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile (202) 305-0274

Mr. R. Lee Leininger, Attorney
U.S. Department of Justice
Environment and Natural Resources Div.
380 Park Center Blvd., Suite 330
Boise, Idaho 83706

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☒ Facsimile (303) 312-7379

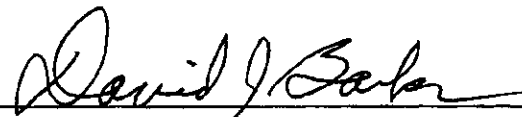

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division
P2129NBC

Exhibit 1

21-12003	21-12079	25-13684
21-12005	21-12081	25-13686
21-12007	21-12083	25-13688
21-12009	21-12085	25-13942
21-12011	21-12087	31-10981
21-12013	21-12089	31-10983
21-12015	21-12091	31-11000
21-12017	21-12093	31-11022
21-12019	21-12095	31-11026
21-12021	21-12099	31-11028
21-12023	21-12105	31-11030
21-12027	21-12107	31-11088
21-12029	21-12109	31-11090
21-12031	21-12113	31-11110
21-12033	21-12115	31-11112
21-12035	21-12117	31-11114
21-12037	21-12119	31-11116
21-12039	21-12121	31-11118
21-12041	21-12123	31-11120
21-12045	21-12125	31-11122
21-12047	21-12127	31-11126
21-12049	21-12129	31-11128
21-12051	21-12131	31-11130
21-12053	21-12133	31-11144
21-12055	21-12135	31-11158
21-12057	25-13639	31-11160
21-12059	25-13641	31-11162
21-12061	25-13643	31-11172
21-12063	25-13645	31-11180
21-12065	25-13647	31-11184
21-12067	25-13649	31-11287
21-12069	25-13651	31-11288
21-12071	25-13655	51-12038
21-12073	25-13657	51-12157
21-12075	25-13674	51-12158
21-12077	25-13682	51-12418

**STATE OF IDAHO
Office of the Attorney General
700 W. Jefferson Street, Rm. 210
P.O. Box 83720
Boise, Idaho 83720-0010**

**Phone: (208) 334-2400
Natural Resources Division FAX: (208) 334-2690**

Transmittal Cover

**TO: R. Lee Leininger
(303) 312-7379**

**FROM: David J. Barber
Deputy Attorney General
Natural Resources Div.**

Number of Pages (Including This Page): 60

Sender: Pat Boehm

Date: June 4, 2002

Note: Attached are the following documents: (1) STATE OF IDAHO'S CROSS-MOTION FOR SUMMARY JUDGMENT, (2) STATE OF IDAHO'S BRIEF OPPOSING THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF IDAHO'S CROSS-MOTION FOR SUMMARY JUDGMENT, (3) STATE EXHIBIT AA, and (4) STATE EXHIBIT BB. I also incorporate into the brief State Exhibits H, N, O, P, Q, R, S, and U from the Notice of Challenge proceeding. These documents are voluminous, and since you already have them, I assumed that you would not need me to fax them to you. I have sent you a complete set of documents by hand delivery to your address in Boise.

**Please advise of any deficiency in this transmission. Call
Olga Valdivia at (208) 334-4159**

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

**** Transmit Conf. Report ****

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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

June 4, 2002

Diana Delaney, Chief Clerk
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Re: In Re SRBA Case No. 39576
Subcase Nos. 21-12003, et al. (See Attached Exhibit 1)

Dear Diana:

Enclosed for filing with the Court in the above-named matter is the original of the following documents:

1. State of Idaho's Cross-Motion for Summary Judgment.
2. State of Idaho's Brief Opposing the United States' Motion for Summary Judgment and In Support of Idaho's Cross-Motion for Summary Judgment.

Per my phone conversation with Lettie Messick this morning, I am also enclosing one extra copy for your files. Lettie stated the Court would inform me, at a later time, the number of additional copies we would have to send to update all of your files in this matter. I have also included one extra copy of the face page of each for you to conform to the file date and return to me for my files. **Please also file date stamp each cover page of the exhibits to the brief on both the original and copies.** A stamped, self-addressed envelope is enclosed for your convenience. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Boehm".

PATRICIA BOEHM, PLS

Secretary

Natural Resources Division

/pb
Enclosures

GO-FER IT EXPRESS

DELIVERY SERVICE

P.O. Box 388
Twin Falls, ID 83303-0388
(208) 733-2036 • 1-800-230-2036

DATE 6/4/02

FREIGHT CHARGES

556828

THIRD PARTY ☐ PREPAID ☐ COLLECT ☐

THIRD PARTY BILLING:	ADDRESS	CITY	STATE	ZIP	PIECES	DESCRIPTION OF COMMODITIES	WEIGHT LBS.	RUSH ☐	FREIGHT CHARGES	C.O.D.
					3	Pleadings - Motion for Summary Judgment and Brief in Support + copies SRBA Subpoena 21-12003 et al.				
					DIMENSIONS X X					\$ COLLECT CASH ONLY ☐
					X Patricia Boehm SHIPPER'S SIGNATURE		SHIPPER'S P.O. NUMBER	DECLARED VALUE		
FROM: DAVID Barber Idaho Attorney General ADDRESS 700 N. JEFFERSON ST. Boise ID 83703 CITY STATE ZIP		PHONE # 208 334-2400	TO: Diana Delaney Snake River Basin Adjudication Court ADDRESS 253 Third Avenue North TWIN FALLS ID 83303 CITY STATE ZIP		PHONE # 734-3411					
		PRINT LAST NAME		SIGNATURE						
				X RECEIVED IN GOOD CONDITION EXCEPT AS NOTED						



Fastest Way
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CLAIMS FOR SHORTAGE OR DAMAGE MUST BE FILED WITHIN 7 DAYS OF DATE OF DELIVERY AND ACCOMPANIED BY THIS FREIGHT BILL. SHIPMENT IS RELEASED FOR A VALUE NOT TO EXCEED \$50.00 UNLESS GREATER VALUE IS INDICATED IN VALUATION BOX ABOVE. A COST OF \$06 PER \$100.00 WILL BE ADDED FOR VALUE ABOVE \$50.00, NOT TO EXCEED \$10,000. 1.5% INTEREST ON PAST DUE BILLS.

SHIPPER'S COPY