



U.S. Department of Justice

Environment and Natural Resources Division

DG:DAJ

90-6-2-63c

*David A. Jarvis
Labat-Anderson, Inc.
999 Eighteenth Street
Suite 945, North Tower
Denver, Colorado 80202*

*Telephone (303) 312-7370
Facsimile (303) 312-7379*

November 24, 2004

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase Nos. 65-02585, 65-03114, 65-03115, 65-03116, and 65-22587

Dear Ms. Delaney:

Enclosed for filing are the original and four copies of the following document in the above mentioned subcases:

1. **UNITED STATES' NOTICE OF INTENT NOT TO PARTICIPATE**

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

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

DAVID W. GEHLERT
Trial Attorney, General litigation Section
Environmental and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202
(303) 312-7352

Attorneys for the United States of America

**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. 65-02585, 65-03114, 65-03115,
	)	65-03116, and 65-22587
Case No. 39576	)	
	)	UNITED STATES' NOTICE OF INTENT
	)	NOT TO PARTICIPATE
_____	)	

On November 16, 2004 Island Capitol, LLC filed a **Motion to Alter or Amend or Motion to Correct Partial Decrees Pursuant to Rules 59(e), 60(a) and 60(b), I.R.C.P.** in the above-named subcases. On November 19, 2004, Roseberry Irrigation District followed with a **Motion to Correct Clerical Mistakes in Partial Decrees Pursuant to I.R.C.P. Rule 60(a)** filed in the same subcases.

The United States has previously resolved its objections to both Roseberry Irrigation District' claims and Island Capitol's claims for water rights adjacent to the Roseberry Irrigation

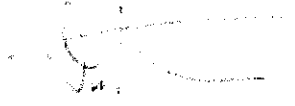
District lands.^{1/}

Having reviewed the issues associated with the two motions currently before the SRBA Court in the above-named subcases, the United States has determined that resolution of these issues will have no bearing on the terms of settlement between the United States and Island Capitol or between the United States and Roseberry Irrigation District. Therefore, the United States respectfully informs the Court that it will not be participating in the proceedings associated with the motions identified above.

DATED this 21st day of November, 2004.

Respectfully submitted,

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



David W. Gehlert
Attorney, General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7352

Attorney for the United States of America

^{1/} The Island Capitol water rights are not at issue in these subcases.
UNITED STATES' NOTICE OF INTENT NOT TO PARTICIPATE - Page 2

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of November, 2004, I served a true and correct copy of the **United States' Notice of Intent Not to Participate** by placing a copy thereof in the United States mail, postage pre-paid, and addressed as follows:

By FedEx mail:

DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301
208-736-2121

By First Class U.S. Mail:

Dana L. Hofstetter
608 W. Franklin St.
Boise, ID 83702

Charles F. McDevitt
P.O. Box 2564
Boise, ID 83701-2564

Joe Eld
2554 E. Roseberry
McCall, ID 83638

State of Idaho
Natural Resources Division Chief
Attorney General's Office
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

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P.O. Box 83720
Boise, Idaho 83720-0098

