

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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U.S. Department of Justice
Environment and Natural Resources Division

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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 Number: 79-07094B
	)	
Case No. 39576	)	NOTICE OF VOLUNTARY
	)	DISMISSAL OF OBJECTION
_____	)	

Pursuant to Idaho R. Civ. P. 41(a)(1)(i), the United States of America, by and through the undersigned attorney, respectfully provides notice of voluntary dismissal of the objection filed on behalf of the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") in Subcase Number 79-07094B. BLM's objection to Point of Diversion has been resolved by the claimant seeking and being granted a Right-of-Way (serial #IDI-36094) pursuant to Title V

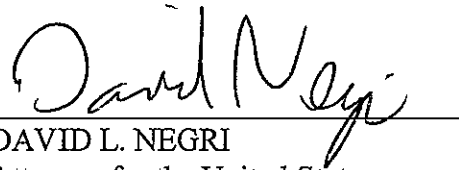
of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2776; .
U.S.C. 1761). See attached ROW.

There appearing to be good cause, the Special Master should issue an order dismissing the
BLM's objection, with prejudice.

DATED this 27 day of October, 2008.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in cursive script, reading "David Negri", is written over a horizontal line.

DAVID L. NEGRI
Attorney for the United States

CERTIFICATE OF SERVICE

I certify that on 10/28, 2008, I served a true and correct copy of foregoing **NOTICE OF VOLUNTARY DISMISSAL OF OBJECTION; SUBCASE NUMBER: 79-07094B and ORDER DISMISSING OBJECTION; SUBCASE NUMBER: 79-07094B** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

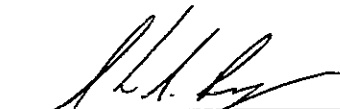
Copy to:

U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-4449

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Fred J. Hopp
2910 Brandywine Drive
West Linn, OR 97068



Person serving document

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT
SERIAL NUMBER IDI-36094

1. A Right-of-Way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C 1761).

2. Nature of Interest:

- a. By this instrument, the holder:

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2910 Brandywine Drive
West Linn, Or 97068

receives a right to reconstruct, operate, use, and maintain a spring development and water pipeline on public lands described as follows:

BM T. 27 N., R. 2 E., Sec. 33, SW1/4SW1/4.

- b. The right-of-way granted herein is 10 feet wide, 150 ft. long and contains .03 acres, more or less.
- c. This instrument shall terminate 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, it's successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

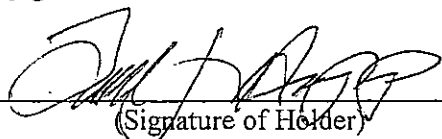
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so

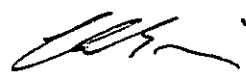
far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- c. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- d. The water diversion pipe must be screened with mesh/woven wire with square openings and shall not exceed 3/32 or 0.0938 inches.
- e. During extended periods when water withdrawal will not be occurring, the diversion pipe should be removed from Slate Creek.
- f. The right-of-way holder shall provide a copy of the state water right for use of the water.
- g. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
- h. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- i. The map set forth in Exhibit A attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

IN WITNESS WHEREOF, the undersigned agrees to the terms and conditions of this right-of-way grant.


(Signature of Holder)


(Signature of Authorized Officer)

(Signature of Holder)

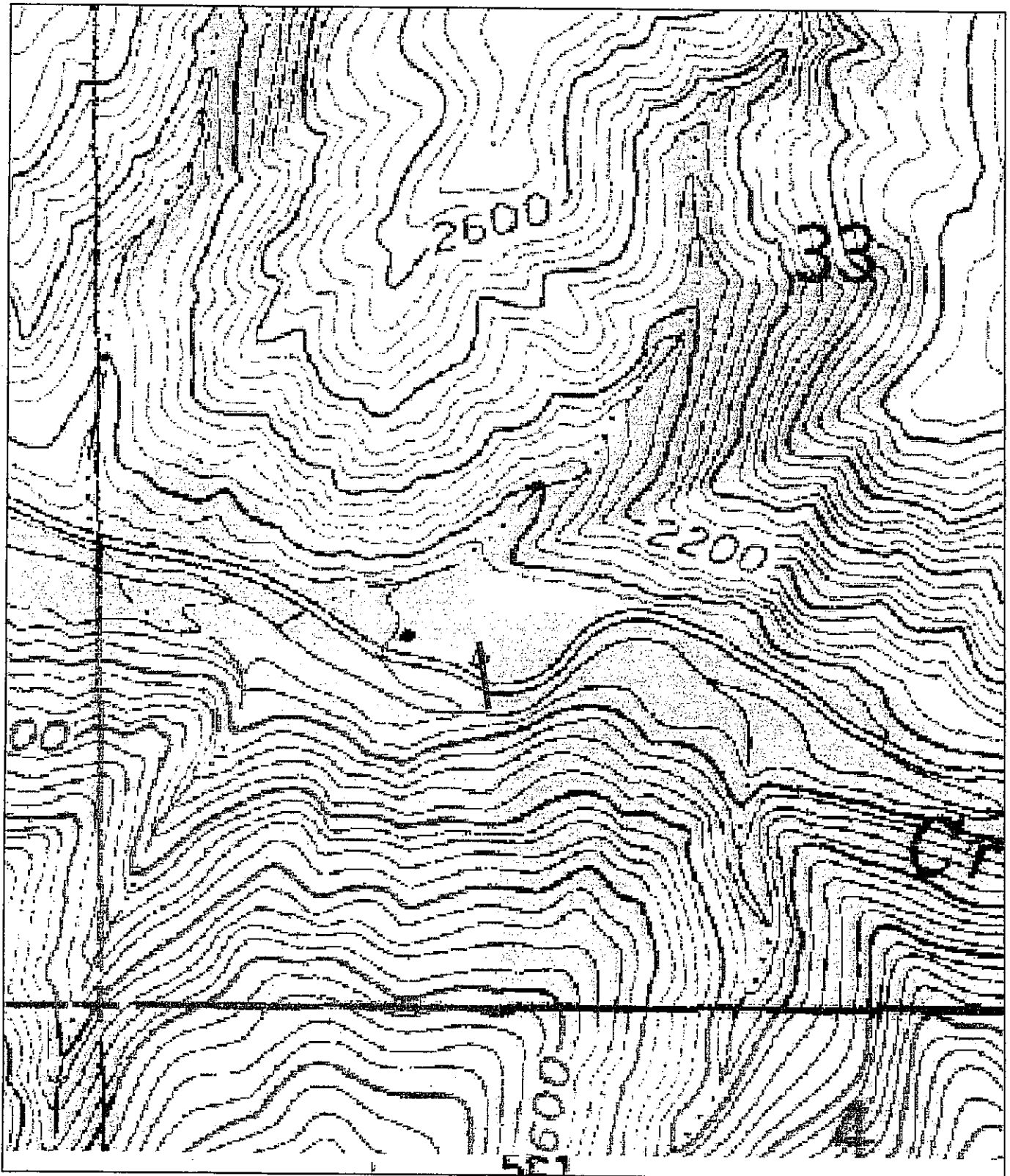
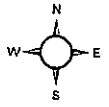
For Field Manager
(Title)

7/21/08
(Date)

8-4-2008
(Effective Date of Grant)

Exhibit A
May 6, 2008

United States
Department of the Interior
Bureau of Land Management



Legend

— Proposed right-of-way
Public Land

0 0.05 0.1 0.2
Miles

Township = 27 N
Range = 2 E
Meridian = Boise

**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 Number: 79-07094B

Case No. 39576

)
) **ORDER DISMISSING OBJECTION**
)
)

On _____, 2008, the United States of America filed an Idaho R. Civ. P.

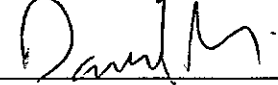
41(a)(1)(i) Notice of Voluntary Dismissal of Objection in Subcase Number 79-07094B. Based upon the Idaho R. Civ. P. 41(a)(1)(i) Notice of Voluntary Dismissal of Objection filed by the United States, and the record herein, and there appearing to be good cause, it is

ORDERED that the BLM's objection in Subcase Number 79-07094B is dismissed with prejudice.

DATED this ____ day of _____ 2008.

Special Master, Snake River Basin Adjudication

Submitted by:



David L. Negri
Attorney for the United States

CERTIFICATE OF SERVICE

I certify that on _____, 2008, I served a true and correct copy of foregoing **ORDER DISMISSING OBJECTION; SUBCASE NUMBER: 79-07094B** upon the following individuals by placing the document in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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Deputy Clerk