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DEPARTMENT OF
WATER RESOURCES

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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: 83-7017, 83-7028,
	)	83-7029, 83-11873, 83-11874,
Case 39576	)	83-11875, 83-11876, 83-11877
	)	
	)	U.S. ARMY CORPS OF ENGINEERS'
	)	MOTION TO WITHDRAW STANDARD
_____	)	FORMS 4

COMES NOW the United States Army Corps of Engineers ("USACE"), by and through its counsel of record, the United States Department of Justice, and hereby moves to withdraw eight Standard Forms 4 submitted by the Agency on November 17, 2011, in the above-captioned matter, subcases 83-7017, 83-7028, 837029, 83-11873, 83-11874, 83-11875, 83-11876, and 83-11877.

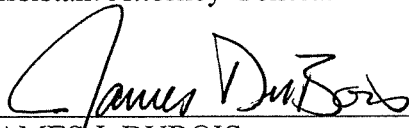
On November 17, 2011, COE filed eight Standard Forms 4 related to operations at Dworshak Dam as a matter of comity for informational purposes. Upon receipt the SRBA District Court indicated that the Standard Forms 4 filed would be treated as Late Notices of Claim. USACE takes the position that it does not need to assert water rights in this matter and is therefore requesting to withdraw these filings.

The Dworshak Dam and Reservoir Project (“the Project”) to which the eight Standard Forms 4 relate was authorized by the Flood Control Act of 1962 (Pub. L. No. 87-874, 76 Stat. 1173) pursuant to an assertion by Congress of the Commerce Clause power, art. I, section 8, clause 3 of the U.S. Constitution. The United States has not asserted water rights in connection with the operation of the Project, nor is the use, storage, or control of water in this project for its authorized purposes amenable to administration by the State of Idaho. Federal use and control of water utilized for the Project involves the exercise of the Commerce Clause Power. USACE submitted the Standard Forms 4 simply as a matter of comity to apprise the Court of quantities of water actually used by the Project. Because it appears that the Court is unable to consider the Standard Forms 4 for this purpose.

WHEREFORE, USACE respectfully requests that its Motion to Withdraw these eight filings be granted.

Respectfully submitted this 20th day of January, 2012.

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CERTIFICATE OF MAILING

I certify that on January 20th, 2012, I served true and correct copies of the foregoing U.S. ARMY CORPS OF ENGINEERS' MOTION TO WITHDRAW STANDARD FORM 4 as follows:

via FedEx mail:

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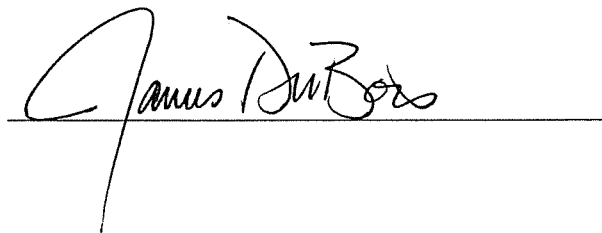
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A handwritten signature in black ink, appearing to read "James P. Speck", is written over a horizontal line.