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MAR 21 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 20 2012	
By _____	Clerk
_____	Deputy Clerk

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.: 83-7017, 83-7028, 83-7029,
) 83-11873, 83-11874, 83-11875, 83-11876
) and 83-11877
)
) AMENDED ORDER GRANTING
) MOTION TO WITHDRAW WITH
) PREJUDICE
)
)
)
)

On November 22, 2011, the United States of America, acting through the Army Corps of Engineers ("Claimant") filed a *Motion to File Late Notice of Claim* for each of the above-captioned water right claims associated with the Dworshak Dam and Reservoir Project. On January 23, 2012, Claimant filed a *Motion to Withdraw Standard Forms 4* in each of the above-captioned subcases, requesting to withdraw each *Late Notice of Claim*. It is Claimant's position, as stated in its *Motion to Withdraw*, that it does not need, and did not intend, to assert water rights associated with the Dworshak Dam and Reservoir Project in the SRBA, and that the *Motions to File Late Notice of Claim* were submitted as a matter of comity for informational purposes only.

On January 23, 2012, the Court entered an *Order Granting Motion to Withdraw* ("Order"), dismissing the late claims without prejudice. The State of Idaho subsequently filed a *Motion for Clarification*, requesting that this Court clarify that the dismissal without prejudice does not exempt the United States from the requirement of filing claims for water rights for the Dworshak Project that were established prior to the commencement of the SRBA or that the claims could be filed at a later time in the SRBA. The Claimant filed its *Response* on March 15, 2012, wherein the Claimant stated that it did "not object to paragraph 1 of the *Order* being

amended to provide “[T]he *Motions to File Late Notice of Claim* are dismissed with prejudice.” *Response*, p.2.

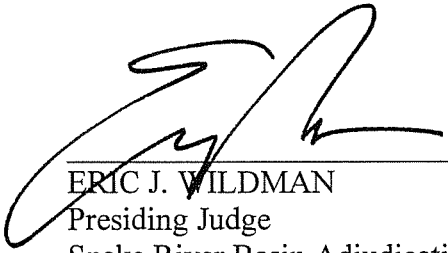
A hearing on the State’s *Motion for Clarification* was held on March 19, 2012. At the hearing the State, represented by counsel Clive J. Strong, and the Claimant, represented by counsel James J. Dubois, stipulated on the record to resolve the State’s *Motion* via this Court’s issuance of an *Amended Order Granting Motion to Withdraw*, dismissing the Claimant’s *Late Notices of Claim* with prejudice, recognizing however that the dismissal does not determine the issue of whether or not the claims are exempt from filing in the SRBA.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The Claimant’s *Motion to Withdraw Standard Forms 4* **is hereby granted.**
2. The Claimant’s *Motions to File Late Notice of Claim* for the above-captioned water right claims **are hereby dismissed with prejudice.**
3. This Court’s January 23, 2012 *Order Granting Motion to Withdraw* is hereby superseded by this *Amended Order*.

IT IS SO ORDERED.

Dated March 20, 2012.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER GRANTING MOTION TO WITHDRAW WITH PREJUDICE was mailed on March 20, 2012, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
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BOISE, ID 83711-4449

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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DIRECTOR OF IDWR

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ORDER

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Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".