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OFFICE OF THE
ATTORNEY GENERAL

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

PETER C. MONSON
JERILYN DECOTEAU
Attorneys, Department of Justice
Indian Resources Section

DARIA J. ZANE
R. LEE LEININGER
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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 No. 34-04172

MOTION TO DISMISS OBJECTION AND
FOR JUDGMENT

Descriptive Summary

This is the United States' Motion to Dismiss Objection
and For Judgment.

I. DISCUSSION

The United States hereby moves to dismiss its objection
in the above-referenced subcase. Because there are no other
objections and all disputes regarding the United States'
objection have been resolved, the United States moves for

judgment in this matter. In support of this motion the United States states that:

1. The United States, on behalf of the Bureau of Land Management, filed its claim in this subcase within the time prescribed by the Court for Reporting Area 01, Basin 34.

2. The claim was recommended by IDWR as claimed.

3. Following the issuance of the Director's Report, it appeared that there had been an error as to the priority date claimed. Specifically, the United States had claimed a priority date of June 28, 1934 although it had meant to claim a priority date of January 1, 1884.

4. As a result of what appeared to be an error and pursuant to direction from the Court, the United States, on behalf of the Bureau of Land Management, filed objections to these claims.

5. The United States has decided to forego pursuing the objection and will agree to have the water right decreed with a 1934 priority date.

6. Since the United States is the only objector to this claim and the water right is to be decreed as recommended, there are no remaining disputes as to this subcase.

7. An SF5, executed by the claimant, the United States, and the only objector, the United States, is submitted herewith. In that IDWR had recommended this claim, there should be no further dispute as to how the elements of this claim should be decreed.

8. As a result, the claim should be decreed as recommended.

II. CONCLUSION

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court grant this motion and dismiss its objection to this water right claim and decree the water right as recommended by IDWR.

Respectfully submitted this 11 day of ^{October} 1995.



Daria J. Zane
R. Lee Leininger
Attorneys, Department of Justice
Environment and Natural Resources
Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351/(202) 272-4692

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CERTIFICATE OF MAILING

I certify that on October 13, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

2. Copies to:

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

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

Leah Melendy
Signature of person or attorney
mailing the form