

Movant's Name:

UNITED STATES OF AMERICA

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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 Nos.: See Attached
) List

Case No. 39576

) NOTICE OF FILING
)
)

Descriptive Summary

This is the United States notice of filing Standard
 Forms No. 5 for the attached list of Bureau of Land Management
 (BLM) objections to BLM claims in SRBA sub-basin number 57.

Notice

The United States hereby provides notice that Standard
 Forms No. 5 to resolve objections to the Director's
 recommendations for the attached list of claims in basin 57 were

submitted to the Court on January 19, 1995. A package containing the Standard Forms No. 5 was sent by over-night courier to the Court on January 18, 1995.

The United States identified one hundred and twelve (112) subcases in which the United States by and through the BLM is the only party. The Standard Form Fives to resolve ninety of these subcases were submitted on January 19, 1995. Due to the extended furlough period of federal workers and inclement weather in the Washington, D.C. area, the BLM and attorneys at the Department of Justice were unable to finalize the remaining Standard Form Fives to resolve BLM objections to BLM claims. SF5s for these claims will be submitted in the near future.

The United States is also sending copies of the submitted SF5s to the Idaho Department of Water Resources. Accompanying the copies of the SF5 are one-page sheets asking that IDWR concur with the elements of the water right as described on the SF5s. This procedure is consistent with the Court's indications that parties are the appropriate persons to sign the agreements. See, July 18, 1995 transcript at 50-51.

If IDWR does not concur, the sheet asks that the Department state the elements of the water right with which it does not agree, any changes it would recommend to the elements and the reasons for its proposed changes. It is requested that this sheet be filed with the Court and a copy sent to the United States.

The letter of concurrence will allow the Court to identify elements of the water right which the Department finds at issue. The Court may then determine what further action, if any, is necessary, e.g., a settlement conference, briefing or hearing.

We have discussed this procedure with IDWR and IDWR finds it acceptable.

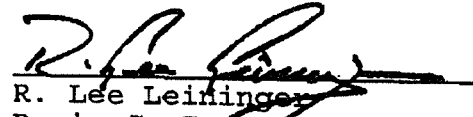
By way of further explanation, the United States made changes to certain elements in the SF5s from the elements recommended in the Director's Report. Legal locations were changed to correct typographical errors or misidentified places of use or points of diversion. These errors were discussed with IDWR previously. There should be no disagreement as to these changes.

In addition, element number 9 on annual volume of consumptive use is now described as "de minimis". The United States discussed this description with IDWR and IDWR concurs with this change.

Additional changes were made to element numbers 6 and 10. The United States did not include the number of cattle as recommended in the Director's Report under element number 6 and did not include the remark attached to BLM stockwatering rights, under element 10. The United States met with IDWR to attempt to resolve the dispute regarding the elements necessary to define and administer a stockwater right on Thursday, January 18, 1996. The meeting did not result in an agreement. The United States

respectfully requests that the Court schedule hearings for the final determination of these water rights, if necessary.

Respectfully submitted this 19 day of ~~December~~,
January,
1996.

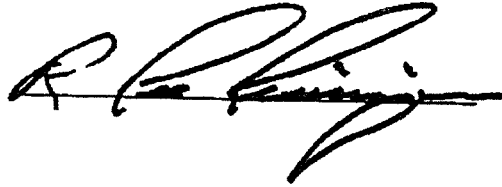

R. Lee Leiminger
Daria J. Zade
Attorneys, Department of
Justice
General Litigation Section
Environment and Natural
Resources Division

CERTIFICATE OF SERVICE

I certify that on the ~~12~~¹⁴ day of January, 1996, I served a true and correct copy of the Notice of Filing in Basin 57 by facsimile transmission upon the following individuals:

Richard Burleigh/ A. Lynne Krogh
Deputy Attorneys General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

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

A handwritten signature in black ink, appearing to read "R. Burleigh", written over a horizontal line.

List of Subcases

57-02362	57-11013A	57-11379
57-02365A	57-11048	57-11380
57-02379	57-11049A	57-11382
57-02380	57-11078A	57-11385
57-02382	57-11085	57-11398
57-02407	57-11085A	57-11399
57-02419	57-11108	57-11422
57-02423	57-11150	57-11424
57-02429		57-11449
57-07056	57-11154	57-11450
57-07298	57-11155	57-11452
57-07335	57-11171	57-11453
57-07417	57-11195	57-11454
57-07431	57-11201	57-11463
57-07442	57-11246	57-11464
57-10960	57-11284	57-11465
57-10960A	57-11286	57-11469
57-10977	57-11287	57-11471
57-10977A	57-11304	57-11473
57-10980	57-11317A	57-11475
57-10980A	57-11331	57-11476
57-10981	57-11333	57-11477
57-10981A	57-11335	57-11480
57-10984	57-11337	57-11482
57-10984A	57-11360	57-11483
57-10985	57-11367	57-11484
57-10985A	57-11375	57-11486
57-10994	57-11376	57-11487
57-10994A	57-11377	57-11488
		57-11489
		57-11490
		57-11494

UNITED STATES
DEPARTMENT OF JUSTICE

ENVIRONMENT AND NATURAL
RESOURCES DIVISION
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(Please Call 202-305-0503 to Confirm Receipt)

TO: SRBA Court FAX#: (208) 736-2121
EDWR, Mr. Richard Burleigh 327-7866
Idaho A.G.'s office 334-2690

FROM: Lee Heiniger

DATE: 1/19, 1996

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COMMENTS:

