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UNITED STATES OF AMERICA

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Department of Water Resources
Adjudication Bureau

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.: 34-04175
	)	
Case No. 39576	)	MOTION FOR SUMMARY JUDGMENT

DESCRIPTIVE SUMMARY

This document is the United States' Motion, through and on behalf of the Bureau of Land Management, for Summary Judgment in subcase number 34-04175.

UNITED STATES' MOTION FOR SUMMARY JUDGMENT

Claimant, the United States of America (hereinafter "United States"), by and through its attorneys, pursuant to Rule 56(c) of the Idaho Rules of Civil Procedure, moves for entry of a summary judgment. As grounds therefor, Claimant states:

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BACKGROUND

The United States claims the water right listed for subcase 34-04175 for de minimis amounts of water for a stockwatering purpose pursuant to the description of this right in the Standard Form No. 5 submitted for this subcase. The Standard Form No. 5 contains a description of elements of water rights that differ from the elements of the right as claimed and recommended by IDWR in the Director's Report. These differences involve legal matters of proper form and content of the stockwater decree that are the subject of the pending Basin-Wide Issue No. 12. This basin-wide issue will determine form and content questions applicable to this and other de minimis stockwatering rights. For this reason, the United States incorporates by way of reference in support of this motion all briefing submitted by the United States for basin-wide issue no. 12.

CONCLUSION

For the reasons set forth herein and on the submitted briefing in Basin-Wide Issue No. 12, the United States respectfully requests this Court enter an Order pursuant to I.R.Civ.P 56(c) concluding that the United States of America is entitled as a matter of law to the decree of a water right as stipulated to in the Standard Forms No. 5 for these subcases.

No oral argument is requested in support of this motion.

8-14-96 1:00 PM
Respectfully submitted this 14th day of August, 1996.


R. Lee Leininger
Attorney
General Litigation Sec.
U.S. Dept. of Justice

CERTIFICATE OF SERVICE

I certify that on the 14th day of August, 1996, I served a true and correct copy of the foregoing Motion for Summary Judgment for subcase no. 34-04175 via first-class U.S. mail upon the following individuals:

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