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United States Department of Justice
Environment & Natural Resources Division
General Litigation Section
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Denver, CO 80202
(303) 312-7322

**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.:57-07230, 57-02484
	)	
	)	
Case No. 39576	)	MOTION TO REOPEN PARTIAL DECREES
	)	
	)	

The United States moves for an order reopening these subcases to correct recently discovered errors in the source description and to remove stockwatering from the purpose of use. These errors were uncovered in preparation for a January hearing before the Special Master on these and other water rights identified as potential over-lapping state law and federal law based claims to the same sources of water.

57-07230

This water right claim is based upon a state issued license. A partial decree for this right was

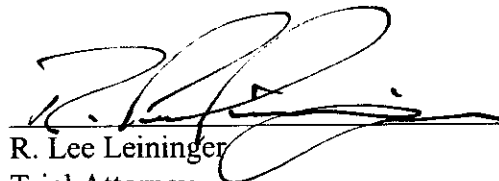
issued on February 9, 1998. However, the partial decree contains an inaccurate description of the point of diversion and place of use. The point of diversion and place of use should be T05S R03W S13 SWNW. The spring source for this water right is also claimed pursuant to Public Water Reserve no. 107 under claim number 57-11287. In order to conform the licensed right with the PWR 107 right, the United States respectfully asks that the partial decree for 57-07230 be amended to drop stockwatering as a purpose of use, change the POD/POU to the correct quarter-quarter location, and change the source description to "spring" tributary to "sinks" as shown on the attached revised partial decree.

57-02484

This water right claim is based upon a state issued license. A partial decree for this right was issued on November 26, 1997. However, the partial decree contains an inaccurate description of the spring source. The source of the water is an unnamed spring. The spring source for this water right is also claimed pursuant to Public Water Reserve no. 107 under claim number 57-11246. In order to conform the licensed right with the PWR 107 right, the United States respectfully asks that the partial decree for 57-07230 be amended to drop stockwatering as a purpose of use and change the source description to tributary to "sinks" as shown on the attached revised partial decree.

DATED this 14th day of February, 2003.

Respectfully submitted,



R. Lee Leininger
Trial Attorney
United States Department of Justice

FEB 18 2003

Department of Water Resources

CERTIFICATE OF SERVICE

I certify that on this 14th day of February, 2003, I served a true and correct copy of fore-going motion upon the following individuals by serving as indicated, postage pre-paid, addressed as follows:

via Facsimile & Federal Express mail:

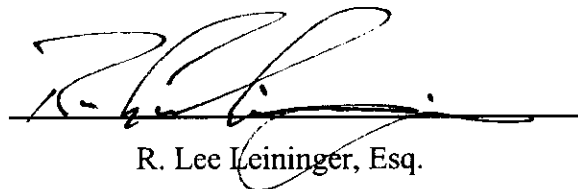
Diana R. Delaney, Chief Deputy Clerk (Original)
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301

via Facsimile & First-Class Mail:

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

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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



R. Lee Leininger, Esq.

RECEIVED

FEB 18 2003

Department of Water Resources

PROPOSED AMENDED PARTIAL DECREE

Right Number: 57-07230

Name and Address: ~~US DEPT OF INTERIOR~~
~~BUREAU OF LAND MANAGEMENT~~
~~IDAHO STATE OFFICE~~
~~3380 AMERICANA TERRACE~~
~~BOISE, ID 83706~~

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

Source: ~~DRISCOL SPRING~~ Tributary: ~~BATES CREEK~~
~~SPRING~~ ~~SINKS~~

Quantity: .01 CFS
.10 AFY

Priority Date: 04-06-1972

Diversion Point: T05S R03W S13 ~~SENECA~~ Within Owyhee County
~~SNNW~~

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Stockwater~~	~~04-01 TO 11-30~~	~~.01 CFS~~
			~~.10 AFY~~
	Wildlife	01-01 TO 12-31	.01 CFS
			.10 AFY

Place of Use: Stockwater Within Owyhee County
~~T05S R03W S13~~ ~~NECW~~

Wildlife
~~Same as Other Use~~
~~T05S R03W S13~~ ~~SNNW~~

Other Provisions Necessary for Definition / Administration of this Water
Right:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISION NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR
THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS
NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - License
BLM RECORD ID = 5701588208

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Department of Water Resources

PROPOSED AMENDED PARTIAL DECREE

Right Number: 57-02484

Name and Address: ~~US DEPT OF INTERIOR~~
~~BUREAU OF LAND MANAGEMENT~~
~~IDAHO STATE OFFICE~~
~~3380 AMERICANA TERRACE~~
~~BOISE, ID 83706~~

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

Source: ~~RED BLUFF SPRING~~ Tributary: ~~WILSON CREEK~~
~~SPRING~~ ~~SINKS~~

Quantity: .10 CFS

Priority Date: 06-06-1966

Diversion Point: T01S R04W S23 NENW Within Owyhee County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Stockwater~~	~~01-01 TO 12-31~~	~~.10 CFS~~
	Wildlife	01-01 TO 12-31	.10 CFS

Place of Use:	~~Stockwater~~	~~Within Owyhee County~~
	~~T01S R04W S23~~	~~NENW~~
	Wildlife	Within Owyhee County
	T01S R04W S23	NENW

Other Provisions Necessary for Definition / Administration of this Water Right:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISION NECESSARY FOR THE DEFINITION OF THE RIGHTS
OR FOR THE EFFICIENT ADMINISTRATION OF THE
WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE
COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A
FINAL DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER
RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

Explanatory Material: Basis of Claim - Decreed
BLM RECORD ID = 5701588346

1997 NOV 26 PM 2:55

DISTRICT COURT
TWIN FALLS COUNTY
IDaho

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

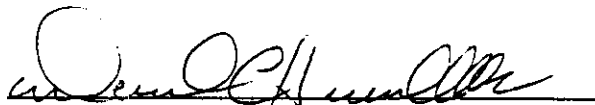
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-02484
	)	

On August 22, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02484 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-02484

1997 NOV 26 PM 2:55

DISTRICT COURT-5TH
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

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DEC - 1 1997

SOURCE: RED BLUFF SPRING TRIBUTARY: WILSON CREEK

Department of Water Resources
Adjudication Bureau

QUANTITY: 0.1 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/06/1966

POINT OF DIVERSION: T01S R04W S23 NWSWNE Within Owyhee County

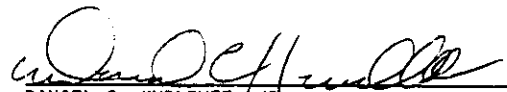
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.1 CFS
	WILDLIFE	01-01 12-31	0.1 CFS

PLACE OF USE: STOCKWATER Within Owyhee County
T01S R04W S23 SWNE

WILDLIFE Within Owyhee County
T01S R04W S23 SWNE

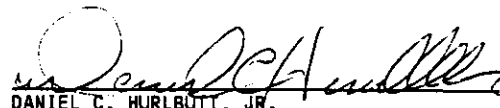
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-02484

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