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U.S. Department of Justice

Environment and Natural Resources Division

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Department of Water Resources

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September 11, 2003

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase No. 36-15987

Dear Ms. Delaney:

Enclosed for filing is the following original document in the above mentioned subcase:

1. **MOTION TO RESCHEDULE INITIAL HEARING**

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural
Resources Division

DAVID W. GEHLERT
Attorney, General Litigation Section
Environmental and Natural Resources Division
U.S. Department of Justice
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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. 36-15987
	)	
Case No. 39576	)	MOTION TO RESCHEDULE
	)	INITIAL HEARING
_____	)	

The United States of America, by and through the undersigned attorney,
respectfully moves this Court to reschedule the initial hearing for SRBA subcase no. 36-15987,
currently set for Thursday, September 25, at 11:30 AM.

This subcase involves a late claim by Richard Bullers that was appropriately
claimed with a description that included the specific tract of land claimed (Tract E). The
Director's Report included all but the specific tract information. The Bureau of Reclamation

("Reclamation") objected to the omission of the tract information in the POU description because Reclamation owns the land adjacent to and in the same quarter section as Tract E.

Reclamation has been in contact with both Mr. Bullers and Idaho Department of Water Resources ("IDWR") regarding the omission of the specific tract description from the POU. Mr. Bullers agrees that the Director's Report does not completely describe the POU for his claim. He, Reclamation, and IDWR all agree that an SF-5 would be the appropriate way to settle this issue and further agree that it would be appropriate to reschedule the hearing to allow time for preparing and circulating a settlement document.

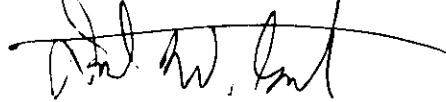
Furthermore, the attorney representing the United States on this matter will be away from the office and unable to participate in a hearing on September 25.

Therefore, the United States, with the concurrence of Richard Bullers and IDWR, respectfully requests that the Court reschedule the initial hearing in Subcase No. 36-15987 to allow the parties and opportunity to engage in settlement of the issue.

DATED this 11th day of September, 2003.

Respectfully submitted,

THOMAS L. SANSONETTI
Assistant Attorney General
Environmental and Natural Resources Division



David W. Gehlert
Attorney, General Litigation Section
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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **MOTION TO RESCHEDULE INITIAL HEARING** was mailed by U.S. mail this 11th day of September, 2003 to all individuals listed below.

By Fedex Mail:

DISTRICT COURT
253 Third Ave., North
Twin Falls, ID 83301
208-736-2121

By First-Class Mail:

Richard Bullers
1482 Hund Rd.
Jerome, ID 83338

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

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

