



U.S. Department of Justice

Environment and Natural Resources Division

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RECEIVED

JUN 28 2002

Department of Water Resources

via Federal Express

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 Nos.: 61-11940, 61-11941, 61-11942, 61-11943, and 61-7224

Dear Ms. Delaney:

Enclosed for filing are the original copies of the following documents in the above mentioned subcases:

1. UNITED STATES OF AMERICA'S MOTION FOR EXPEDITED HEARING ON UNCONTESTED CLAIMS AND MEMORANDUM IN SUPPORT THEREOF
2. [Proposed] ORDER SETTING EXPEDITED HEARING ON UNCONTESTED CLAIMS OF THE UNITED STATES OF AMERICA

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

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

IN RE: SRBA	)	Subcase Nos.: 61-11940, 61-11941,
	)	61-11942, 61-11943, and 61-7224
	)	
	)	UNITED STATES OF AMERICA'S
Case No. 39576	)	MOTION FOR EXPEDITED HEARING
	)	ON UNCONTESTED CLAIMS AND
	)	MEMORANDUM IN SUPPORT
	)	THEREOF

MOTION

COMES NOW, the United States of America, by and through its counsel of record, and pursuant to A.O. 1, Rule 6(f) respectfully moves the Court for an order for **EXPEDITED HEARING ON UNCONTESTED CLAIMS OF THE UNITED STATES OF AMERICA** in the above listed subcases, at the next regularly scheduled monthly status conference on July 16,

2002, or prior thereto, if the Court so determines that it is in the interests of justice and consistent with the Court's calendar.

MEMORANDUM

Claim Nos. 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224 (the "Subject Water Rights") represent water rights claimed under state law for the water supply for Mountain Home Air Force Base (the "Base"). Claims for reserved water rights for the Base water supply were made by the United States of America on behalf of the Department of Defense, United States Air Force (hereinafter "United States") in Subcase Nos. 61-11783, 61-11784, 61-11785. On April 6, 2001, the trial court entered an Order Disallowing Uncontested Federal Reserved Water Right Claims (Mountain Home Air Force Base). The United States appealed that ruling, and the case is now pending in Idaho Supreme Court Case No. 27535.

In settlement of the pending appeal of the reserved water rights cases, the United States, the State of Idaho (hereinafter "State"), and J.R. Simplot Company and the J.R. Simplot Self-Declaration of Revocable Trust (hereinafter collectively referred to as "Simplot") entered into a Stipulation under which the United States filed water right claims for the Base under Idaho state law. The state law-based claims filed pursuant to this Stipulation are Subcase Nos. 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224. Pursuant to the Stipulation, upon entry of the partial decrees for the Subject Water Rights the United States, the State, and Simplot will file a joint motion with the Idaho Supreme Court seeking dismissal of the appeal and vacation of the SRBA District Court's May 16, 2001 ruling in the reserved water rights case. Thus, resolution

of the Subject Water Rights is necessary to the implementation of final settlement of the reserved water rights claims.

In order to allow time to implement the terms of the Stipulation, on March 6, 2002, the United States, the State, and Simplot filed a Joint Motion to Suspend Appeal of Case No. 27535 in the Idaho Supreme Court. The Idaho Supreme Court issued its Order Granting Joint Motion to Suspend Appeal of case no. 27535 for a period of six months on March 8, 2002. The suspension of proceedings in the appeal therefore terminates on September 8, 2002.

On March 4, 2002 the Idaho Department of Water Resources (hereinafter "IDWR") issued a Director's Report for Late and Miscellaneous Claims which included claims 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224. The Director's Report set May 3, 2002 as the deadline for filing of objections to the Director's Report. As of the date of filing of this Motion, no objections to claims 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224 have been filed, and the claims are uncontested. The date currently set for hearing on uncontested claims is September 17, 2002. The scheduled hearing date for these uncontested claims will occur after the six month suspension of the United States appeal in the Idaho Supreme Court has elapsed.

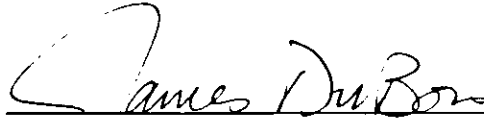
In order to effectuate and implement the settlement Stipulation, it is necessary to obtain expedited consideration of uncontested Claim Nos. 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224.

Granting of this Motion is in the interests of justice, and will not prejudice the interests of any other party in the Snake River Basin Adjudication.

WHEREFORE, the United States respectfully requests that the Court set uncontested Claim Nos. 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224 for expedited hearing at the July 16, 2002 SRBA Monthly Status Conference, or at such earlier time as the Court deems appropriate in the interests of justice.

Respectfully submitted this 25th day of June, 2002.

THOMAS L. SANSONETTI
Assistant Attorney General

A handwritten signature in dark ink, appearing to read "James DuBois", is written over a horizontal line.

JAMES J. DuBOIS
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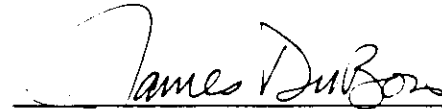
ATTORNEY FOR CLAIMANT
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of June, 2002 I caused to be served a true and correct copy of the following:

1. **UNITED STATES OF AMERICA'S MOTION FOR EXPEDITED HEARING ON UNCONTESTED CLAIMS AND MEMORANDUM IN SUPPORT THEREOF**

via first class mail to all of the following parties listed on the Court Certificate of Service for Expedited Proceedings.


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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.: 61-11940, 61-11941,
	)	61-11942, 61-11943, and 61-7224
	)	
Case No. 39576	)	ORDER SETTING EXPEDITED
	)	HEARING ON UNCONTESTED
	)	CLAIMS OF THE UNITED STATES OF
_____	)	AMERICA

This matter having come before the Court on the UNITED STATES OF AMERICA'S
MOTION FOR EXPEDITED HEARING ON UNCONTESTED CLAIMS AND
MEMORANDUM IN SUPPORT THEREOF, and the Court being otherwise fully advised in the
premises:

IT IS HEREBY ORDERED, that the United States' motion is GRANTED. Subcase
Nos. 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224 for expedited hearing and
consideration at the July 16, 2002 SRBA Monthly Status Conference.

IT IS SO ORDERED this _____ day of _____, 2002.

Roger S. Burdick
Administrative District Judge and
Presiding Judge of the Snake River Basin
Adjudication