



U.S. Department of Justice

Environment and Natural Resources Division

LL:DAJ

90-6-2-63C

David Jarvis
Labat-Anderson, Inc.
999 Eighteenth Street
Suite 1005, North Tower
Denver, Colorado 80202

Telephone (303) 312-7370
Facsimile (303) 312-7379

June 25, 2002

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

THOMAS L. SANSONETTI
Assistant Attorney General
JAMES J. DUBOIS,
Attorney, General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7341

Counsel for the United States of America

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.

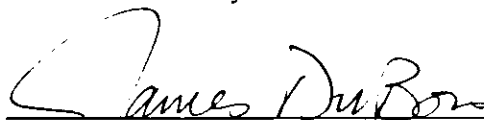
In order to effectuate and implement the settlement Stipulation, it is necessary to obtain expedited consideration of uncontested Claim Nos. 61-11940, 61-11941, 61-11942, 61-11943, and 61-07224.

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 cursive script, reading "James J. DuBois", is written over a horizontal line.

JAMES J. DuBOIS
Attorney, General Litigation Section
Environment and Natural Resources
Division
U.S. Department of Justice

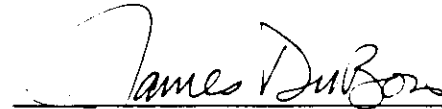
ATTORNEY FOR CLAIMANT
UNITED STATES OF AMERICA

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.


James DuBois

C. Thomas Arkoosh
Arkoosh Law Offices
P.O. Box 32
116 4th Ave. W.
Gooding, ID 83330

Norman M. Semanko
Attorney at Law
205 N 10th St., Ste. 520
Boise, ID 83702

Amy D. Chestnut
Albert P. Barker
John K. Simpson
Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson St.
Boise, ID 83702

Douglas R. Whipple
Byington, Holloway, Whipple & Jones, Chtd.
P.O. Box 188
Burley, ID 83318

Angela Dawn Schaer
Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
P.O. Box 829
Boise, ID 83701-0829

Richard B. Burleigh
Timothy J. Callanan
Richard F. Goodson
Hawley, Troxell, Ennis & Hawley
P.O. Box 1617
Boise, ID 83701

Terry G. Hogue
Hogue & Dunlap
P.O. Box 460
Hailey, ID 83333

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls, ID 83405

Murray D. Feldman
Holland & Hart
P.O. Box 2527
Boise, ID 83701

William R. Hollifield
Hollifield and Bevan
P.O. Box 66
Twin Falls, ID 83303-0066

C. Timothy Hopkins
John D. Hansen
Teresa L. Sturm
Hopkins, Roden, Crockett, Hansen & Hoopes
P.O. Box 51219
Idaho Falls, ID 83405-1219

David J. Cummings
K. Heidi Gudgell
Nez Perce Tribal Exec. Comm.
P.O. Box 305
Lapwai, ID 83540

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

William A. Parsons
David F. Shirley
Parsons, Smith & Stone
P.O. Box 910
Burley, ID 83318

Dana L. Hofstetter
608 W. Franklin St.
Boise, ID 83702

Richard L. Harris
P.O. Box 1438
Caldwell, ID 83606

Richard A. Cummings
P.O. Box 1545
Boise, ID 83701

Bert L. Osborn
P.O. Box 158
Payette, ID 83661

Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

Ron Leydet
P.O. Box 521
Mountain Home, ID 83647

Douglas B.L. Endreson
Reid Peyton Chambers
Sonosky, Chambers, Sachse & Endreson
1250 Eye St. NW, Ste. 1000
Washington, DC 20005

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Mark Potter
Susan Potter
220 Willow Lane
Hagerman, ID 83332

Lary C. Walker
Walker Law Office
P.O. Box 828
Weiser, ID 83672

Cliff S. Bentz
Yturri, Rose, Burnham, Ebert & Bentz
P.O. Box S
Ontario, OR 97914

Patrick D. Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, ID 83303-0207

Matt J. Howard
Attorney at Law
P.O. Box 190012
Boise, ID 83719

Larry A. Sullivan
280 A St. East
Vale, OR 97918

United States Dept. of Justice
Environment & Natural Resource
550 W. Fort St., MSC 033
Boise, ID 83724

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318

Christopher H. Meyer
Raymond D. Givens
Roy L. Eiguren
Givens Pursley, LLC
P.O. Box 2720
Boise, ID 83701-2720

Jeffrey C. Fereday
John M. Marshall
Michael C. Creamer
Givens Pursley, LLC
P.O. Box 2720
Boise, ID 83701-2720

Blair J. Grover
Grover & Archibald
P.O. Box 36
Rigby, ID 83442-0036

Gray A. Young
Shawn D. Ysursa
Terry T. Uhling
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707

Roger D. Ling
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350

Charles F. McDevitt
McDevitt & Miller
P.O. Box 2564
Boise, ID 83701

Craig A. Pridgen
McQuaid, Metzler, *et al.*
221 Main St., 16th Floor
San Francisco, CA 94105

Michael Mirande
Miller Bateman, LLP
1426 Alaskan Way
Suite 301
Seattle, WA 98101

Bruce M. Smith
Paul A. Turcke
Moore Smith Buxton & Turcke
225 N. 9th St., Ste. 420
Boise, ID 83702

Don B. Miller
Steven C. Moore
Native American Rights Fund
1506 Broadway
Boulder, CO 80302

Jason Miciak
P.O. Box 5298
Twin Falls, ID 83303-5298

James Annest
P.O. Box 686
Burley, ID 83318

William J. Brockman
3500 E. 2900 N.
Kimberly, ID 83341

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

Michael B. White
Hecla Mining Co.
6500 Mineral Dr
Coeur d Alene, ID 83814

Randall C. Budge
Racine, Olson, Nye, Cooper & Budge
P.O. Box 1391
Pocatello, ID 83204-1391

James Tucker
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Gregory W. Moeller
Jerry R. Rigby
Ray W. Rigby
Rigby, Thatcher, Andrus, Rigby, Kam &
Moeller, Chtd.
P.O. Box 250
Rexburg, ID 83440-0250

Charles L. Honsinger
Daniel V. Steenson
Ringert, Clark Chtd.
P.O. Box 2773
Boise, ID 83701-2773

Charles J. Olson
Rt. 1, Box 777E
Mountain Home, ID 83647

Ron Kerl
Service, Gasser & Kerl
P.O. Box 6009
Pocatello, ID 83205

Brandelle Whitworth
Candy L. Jackson
Jeanette Wolfley
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

**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