



U.S. Department of Justice

Environment and Natural Resources Division

LL:DAJ

90-6-2-63C

David A. Jarvis
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May 10, 2001

via Facsimile

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
Subcases listed on Exhibit A

Dear Ms. Delaney:

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

1. **UNITED STATES' MOTION TO STAY ENTERING OF SCHEDULE AND ALL OTHER PROCEEDINGS**

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

Name of Party Filing Document:
UNITED STATES OF AMERICA

Attorneys' Names and Addresses:
THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
LARRY A. BROWN
Attorneys, U.S. Department of Justice
380 Parkcenter Blvd.
Suite 330
Boise, ID 83706
Telephone: (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.: See Attached Exhibit A
	)	
	)	UNITED STATES' MOTION TO STAY
	)	ENTERING OF SCHEDULE AND ALL
	)	OTHER PROCEEDINGS
Case No. 39576	)	
	)	

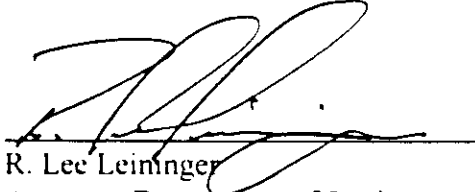
The United States respectfully moves the Special Master to stay entering a Scheduling Order and all other proceedings in the above-captioned subcases. On May 9, 2002, the United States filed a *Motion for Clarification and Stay, and for Expedited Consideration Thereof*, Subcase Nos. 23-10872, *et al.*, in the Snake River Basin Adjudication District Court. The motion seeks clarification of the District Court's *Memorandum Decision and Order on Challenge (Scope of PWR 107 Reserved Rights); Order of Recommitment to Special Master*

Cushman (consolidated subcase numbers 23-10872, *et al.*)(*Order*) and asks the District to stay proceedings in subcases involving Public Water Reserve 107. The grounds for the relief requested is that the State is seeking to reopen a claim the Idaho Supreme Court and the SRBA Court have already decided. Because the State is attempting to raise an identical claim in these subcases, entry of a scheduling order in the above-captioned subcases prior to a ruling on the motion for clarification would be premature.

There appearing to be good cause, the United States respectfully requests that the Special Master enter an order staying entry of a scheduling order and all other proceedings in the above-captioned subcases pending resolution of the United States' *Motion for Clarification and Stay, and for Expedited Consideration Thereof* before the SRBA District Court.

DATED this 10th day of May, 2002.

Respectfully submitted,



R. Lee Leininger
Attorney, Department of Justice

CERTIFICATE OF MAILING

I certify that on May 14, 2002, I mailed a true and correct copy of the **UNITED STATES' MOTION TO STAY ENTERING OF SCHEDULE AND ALL OTHER PROCEEDINGS** to the following persons, postage prepaid and addressed as follows:

Document Depository
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

U'S Department of Justice
Environment & Natl' Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

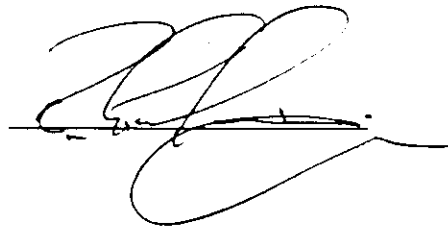


Exhibit A

Subcase Nos.:

Subcase Nos.:

37-02807	37-18178	37-18254	37-19203	37-03139
37-02808	37-18179	37-18255	37-19204	37-03141
37-02838	37-18180	37-18264	37-19507	37-03142
37-02841	37-18181	37-18265	37-19508	37-03144
37-02904	37-18182	37-18266	37-19509	37-03145
37-02913	37-18184	37-18267	37-19548	37-03146
37-02939	37-18185	37-18270	37-19549	37-18393
37-02941	37-18186	37-18279	37-19630	37-18394
37-02948	37-18190	37-18282	37-20208	37-18395
37-02953	37-18197	37-18283	37-20210	37-18396
37-02962	37-18198	37-18286	37-20211	37-18397
37-02963	37-18199	37-18292	37-20222	37-18398
37-02965	37-18200	37-18293	37-20223	37-18399
37-02985	37-18202	37-18295	37-20224	37-18400
37-02993	37-18203	37-18298	37-20225	37-18401
37-03017	37-18204	37-18299	37-20239	37-18402
37-03018	37-18205	37-18300	37-20240	37-18403
37-03075	37-18207	37-18304	37-20241	37-18404
37-03081	37-18208	37-18306	37-20254	37-18405
37-04197	37-18209	37-18308	37-20255	37-18406
37-04198	37-18210	37-18312	37-20256	37-18407
37-04261	37-18211	37-18315	37-20260	37-18408
37-04355	37-18212	37-18318		37-18409
37-08042	37-18213	37-18319		37-18410
37-08162	37-18215	37-18320		37-18413
37-08163	37-18216	37-18322		37-18414
37-18146	37-18218	37-18331		37-18415
37-18147	37-18219	37-18336		37-18416
37-18148	37-18221	37-18341		37-18418
37-18153	37-18232	37-18344		37-18428
37-18159	37-18234	37-18347		37-19211
37-18161	37-18235	37-18363		37-19212
37-18163	37-18237	37-18369		37-19213
37-18165	37-18238	37-18386		37-19214
37-18166	37-18239	37-18195		37-19429
37-18169	37-18240	37-18199		37-20151
37-18175	37-18249	37-19200		37-20175
37-18176	37-18250	37-19201		37-20242
37-18177	37-18253	37-19202		37-20243



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DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcases listed on Exhibit A

Dear Ms. Delaney:

Enclosed for filing is an **AMENDED CERTIFICATE OF MAILING** for the **United States' Motion to Stay Entering of Schedule and All Other Proceedings** which was filed separately this date.

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

AMENDED CERTIFICATE OF MAILING

I certify that on May 10, 2002, I mailed a true and correct copy of the UNITED STATES' MOTION TO STAY ENTERING OF SCHEDULE AND ALL OTHER PROCEEDINGS (SRBA subcase nos. 37-02807, *et al.*, and SRBA subcase nos. 37-03139, *et al.*) To the following persons, postage prepaid and addressed as follows:

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

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

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

Norman M. Semanko
Attorney at Law
410 S. Orchard, Ste. 144
Boise, ID 83705

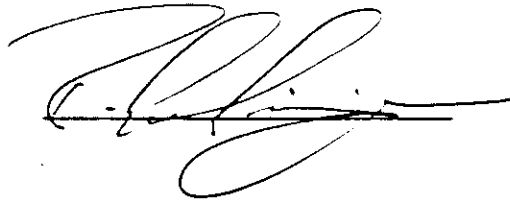
A handwritten signature in black ink, appearing to read "N. Semanko", written over a horizontal line.

Exhibit A

Subcase Nos.:

37-02807	37-18178	37-18254
37-02808	37-18179	37-18255
37-02838	37-18180	37-18264
37-02841	37-18181	37-18265
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37-02953	37-18197	37-18283
37-02962	37-18198	37-18286
37-02963	37-18199	37-18292
37-02965	37-18200	37-18293
37-02985	37-18202	37-18295
37-02993	37-18203	37-18298
37-03017	37-18204	37-18299
37-03018	37-18205	37-18300
37-03075	37-18207	37-18304
37-03081	37-18208	37-18306
37-04197	37-18209	37-18308
37-04198	37-18210	37-18312
37-04261	37-18211	37-18315
37-04355	37-18212	37-18318
37-08042	37-18213	37-18319
37-08162	37-18215	37-18320
37-08163	37-18216	37-18322
37-18146	37-18218	37-18331
37-18147	37-18219	37-18336
37-18148	37-18221	37-18341
37-18153	37-18232	37-18344
37-18159	37-18234	37-18347
37-18161	37-18235	37-18363
37-18163	37-18237	37-18369
37-18165	37-18238	37-18386
37-18166	37-18239	37-18195
37-18169	37-18240	37-18199
37-18175	37-18249	37-19200
37-18176	37-18250	37-19201
37-18177	37-18253	37-19202

Subcase Nos.:

37-03139
37-03141
37-03142
37-03144
37-03145
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