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UNITED STATES OF AMERICA

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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 Numbers: 55-02414, 55-07319,
	) 55-07383, 55-07410, 55-07413, 55-07420,
	) 55-11890, and 55-13450
	)
Case No. 39576	) UNOPPOSED MOTION TO VACATE
	) TRIAL DATE AND STAY TRIAL; IN
	) THE ALTERNATIVE, TO AMEND
_____	) THE TRIAL SCHEDULING ORDER

MOTION

For the following reasons, the United States, by and through the undersigned attorney,
respectfully moves this Court to vacate the trial date and stay trial of the above-captioned
subcases:

1. On June 10, 2005, LU Ranching Co. ("LU"), the claimant in subcase 55-13450 and the objector in 55-02414, 55-07319, 55-07383, 55-07410, 55-07413, 55-07420, and 55-11890, filed its Notice of Appeal, In Re SRBA, Case No. 39576, Subcases 55-10288B, 55-10289B, 55-10290B, 55-10292B, 55-10293B, 55-10295, 55-10296, 55-10297B, 55-10298, 55-10299B, 55-10300, 55-10303B, 55-13451, 55-13844, and 55-13846. On June 30, 2005, the United States filed its Notice of Cross-Appeal, In Re SRBA, Case No. 39576, Subcases 55-10288B, 55-10289B, 55-10290B, 55-10292B, 55-10293B, 55-10295, 55-10296, 55-10297B, 55-10298, 55-10299B, 55-10300, 55-10303B, 55-13451, 55-13844, and 55-13846.

2. LU is the claimant in subcases 55-10303B and 55-13451B which designate public lands as places of use within a United States Department of the Interior, Bureau of Land Management ("BLM") grazing allotment known as the "Cliffs Allotment."

3. One issue on appeal is whether the District Court erred in awarding LU a July 1, 1937 priority date in subcases 55-10303B and 55-13451.

4. Subcase numbers 55-02414, 55-07319, 55-07383, 55-07410, 55-07413, 55-07420, 55-11890, and 55-13450 all designate public lands within the Cliffs Allotment as places of use.

5. Priority date is one of the issues for trial in 55-13450.

6. Vacating the trial date and staying trial of the above-captioned subcases pending a decision by the Idaho Supreme Court on whether the District Court erred in awarding LU a July 1, 1937 priority date in subcases 55-10303B and 55-13451 would conserve judicial resources and narrow the issues for trial.

This Motion has been discussed with opposing counsel, and opposing counsel does not object. The parties would continue discovery, with a goal of completing written discovery by August 31, 2005. Depositions would be stayed pending resolution of the priority date issue by the Idaho Supreme Court. The parties reserve the right to file dispositive motions to narrow the issues for trial while trial of the above-captioned subcases is stayed.

ALTERNATIVE MOTION

In the alternative, the United States moves the Special Master to reset the deadline to complete discovery to August 31, 2005 and to reset the deadline to file dispositive motions to September 30, 2005. This alternative Motion has been discussed with opposing counsel, and opposing counsel does not object.

DATED this 5th day of July, 2005.

Respectfully submitted,

UNITED STATES OF AMERICA



Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on July 5, 2005, that I served a true and correct copy of foregoing **UNOPPOSED MOTION TO VACATE TRIAL DATE AND STAY TRIAL; IN THE ALTERNATIVE, TO AMEND THE TRIAL SCHEDULING ORDER** upon the following individuals by placing the document in the United States Mail in Washington D.C., postage paid, and addressed as follows:

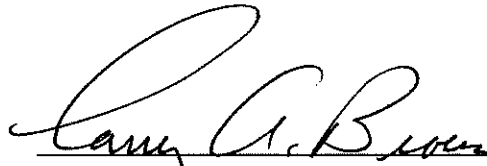
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