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DEPARTMENT OF
WATER RESOURCES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

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Counsel for the United States

**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: 45-02810A, 45-10506,
	)	45-10507, and 45-10491
	)	
Case No. 39576	)	MOTION FOR ORDER REQUESTING
	)	IDAHO R. EVID. § 706 REPORTS;
	)	MOTION TO VACATE TRIAL
	)	SCHEDULES; MOTION TO SET
	)	SCHEDULING CONFERENCE

The United States of America, on behalf of the United States Department of the Interior,
Bureau of Land Management ("BLM"), respectfully moves the Special Master for the following:

PAGE 1 - **MOTION FOR ORDER REQUESTING IDAHO R. EVID. § 706 REPORTS; MOTION
TO VACATE TRIAL SCHEDULES; AND MOTION TO SET SCHEDULING
CONFERENCE; SUBCASE NUMBERS: 45-02810A, 45-10506, 45-10507, AND
45-10491**

1. For an Order requesting the Idaho Department of Water Resources ("IDWR") to file an IDAHO R. EVID. § 706 report in each of the above-captioned subcases;
2. For an Order vacating the trial schedule for each of the above-captioned subcases; and
3. For an Order setting a scheduling conference for the above-captioned subcases.

As grounds for the Motion for Order Requesting IDAHO R. EVID. § 706 Reports, the United States avers that Idaho statutes designated IDWR as "an independent expert and technical assistant to assure that claims to water rights acquired under state law are accurately reported" IDAHO CODE § 42-1401B. An IDAHO R. EVID. § 706 report would advise the Special Master and the parties of IDWR's factual findings that resulted in the director's recommendation of each water right claim and would narrow the issues of fact for trial. Therefore, to assist the Special Master and the parties, the Special Master should request IDWR to file IDAHO R. EVID. § 706 reports in each of the above-captioned subcases.

As grounds for the Motion to Vacate Trial Schedules and Motion to Set Scheduling Conference, the United States is informed and believes that IDWR may not be able to produce and file IDAHO R. EVID. § 706 reports for each of the above-captioned subcases within the time set by the current trial schedules. Thus, the trial schedules for the above-captioned subcases should be vacated and the Special Master should set a scheduling conference.

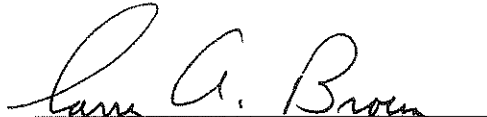
On August 8, 2006, the undersigned counsel asked Bruce and Jared Bedke, counsel for the City of Oakley, and counsel for the State of Idaho whether they opposed these Motions. Jared Bedke said that the Bedkes did not oppose. David Heida, counsel for the City of Oakley,

said that the City of Oakley did not oppose. David Barber, counsel for the State of Idaho, said that the State of Idaho did not oppose.

DATED this 9th day of August, 2006,

Respectfully submitted,

UNITED STATES OF AMERICA


Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on Aug. 9, 2006, I served a true and correct copy of foregoing **MOTION FOR ORDER REQUESTING IDAHO R. EVID. § 706 REPORTS; MOTION TO VACATE TRIAL SCHEDULES; MOTION TO SET SCHEDULING CONFERENCE; SUBCASE NUMBERS 45-02810A, 45-10506, 45-10507, and 45-10491** upon the following individuals by sending the document, postage paid, and addressed as follows:

Original and one copy placed in Federal Express in Washington D.C., overnight delivery, to:

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies placed in United States Mail in Washington D.C. to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

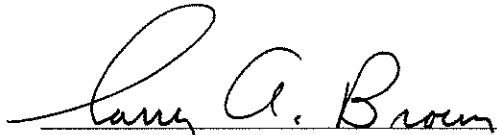
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