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Department of Water Resources
Adjudication BureauMovant's Name:

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 No. 34-10532

Case No. 39576

) STIPULATION TO VACATE
) SCHEDULING CONFERENCE
)
-----**Descriptive Summary**

This is a stipulation to vacate the scheduling conference
for subcase no. 34-10532 scheduled for August 15, 1995.

Stipulation

The United States submits this stipulation to vacate the
scheduling conference for subcase no. 34-10532 set for August 15,

Stipulation to Vacate
Scheduling Conference

1995 at 8:30 a.m. in Twin Falls. In support of this stipulation the United States states the following:

1. The United States objected to this claim for a water right because of an unauthorized place of use on the federal lands recommended in the Director's Report.

2. The parties to this subcase have reached a tentative agreement. The resolution is expected to take the form of a split water right between the parties and an accompanying detailed stipulation regarding the parties' respective rights and obligations.

3. Among the stipulated provisions contemplated by the parties in the tentative agreement are conditions providing for a special use permit on the federal lands, the transfer of the water right to privately-owned lands and/or the exchange of lands in a three-way transfer of property.

4. To achieve a final resolution the parties will require additional time to draft the appropriate documents and effect the terms of the tentative agreement. The parties anticipate that six weeks are required to achieve final settlement and submit a stipulated resolution to the Court.

5. Claimant's attorney, Mr. Patrick D. Brown, was contacted regarding this stipulation and agrees to the vacating of the scheduling conference and the need for a six week period of time to resolve this dispute.

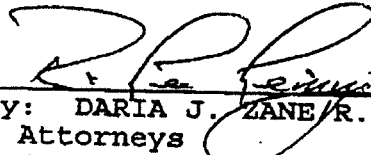
WHEREFORE, the United States respectfully requests that the scheduling conference for subcase no. 34-10532 set for August

15, 1995 at 8:30 a.m. in Twin Falls be vacated. The parties will file with the Court a Standard Form No. 5 resolving this subcase no later than September 22, 1995, or, in the alternative, the Court may establish a status conference regarding the progress of the current settlement negotiations.

Respectfully submitted,

Dated:

8/11/95

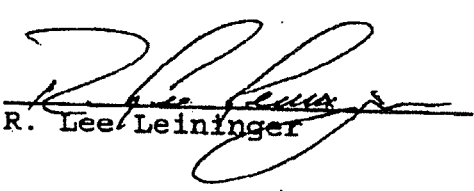

by: DARIA J. ZANE/R. LEE LEININGER
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CERTIFICATE OF SERVICE

I certify that on the 14 day of August, 1995, I served a true and correct copy of the Stipulation to Vacate Scheduling Conference upon the following individuals:

Susan Hamlin
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

Mr. Patrick Brown
Hepworth, Lezamiz & Hohnhorst
133 Shoshone St. North
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R. Lee Leininger

UNITED STATES
DEPARTMENT OF JUSTICE

ENVIRONMENT AND NATURAL
RESOURCES DIVISION
GENERAL LITIGATION SECTION



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TO: Mr. Patrick Brown . FAX#: (208) 734-4115
Ms. Lynne Krogh (208) 327-7866
Ms. Susan Hamlin

FROM: Lee Levinger

DATE: 8/11, 1995

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COMMENTS:

