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Department of Water Resources

Movant'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. 34-04164
	)	
Case No. 39576	)	MOTION TO VACATE
	)	SETTLEMENT CONFERENCE
	)	AND CONTINUANCE TO SUBMIT
	)	FULLY EXECUTED STANDARD
	)	FORM NO. 5

Descriptive Summary

This is the United States' motion to vacate the settlement conference scheduled for subcase 34-04164 on September 15 and permit the parties additional time to fully execute and file a Standard Form No. 5 resolving the objections.

Motion

The United States hereby moves to vacate the settlement conference scheduled for the above referenced subcase. In support of its motion the United States states the following.

1. The United States through the Bureau of Land Management, Mr. Reed Asay, Ms. Merle Hone, Six Flags Inc. and Mr. Randy Pehrson have filed objections to this claim to a stockwatering right by the United States through the BLM as listed in the Director's Report.

2. The United States has decided to withdraw its objection to the Director's recommendation.

3. Mr. Reed Asay has reached a settlement agreement with the United States and a Standard Form No. 5 was recently submitted to the Court.

4. Settlement negotiations have been conducted with the objector, Ms. Merle Hone. The United States has presented a settlement proposal to Ms. Hone and the proposed settlement is currently under consideration by the objector. In addition, Ms. Hone has been representing herself and Six Flags, Inc., a family corporation. Ms. Hone recently contacted Mr. Ray Rigby, an attorney with the firm Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chtd., to represent the corporation in this matter. The United States sent on Friday, September 8, by facsimile reproduction, the settlement proposal to Mr. Rigby.

5. The United States is awaiting a response to its settlement offer. Because this offer involves a stipulated

agreement outside the context of a Standard Form No. 5, thorough and prolonged consideration by all parties to the proposed agreement may be necessary. Mr. Rigby, in a telephone conversation today, Monday September 11, has requested additional time to review the settlement offer.

6. At this time, the United States requests that the parties be allowed sufficient time to properly consider and potentially reach settlement of the Hone and Six Flags objections. Mr. Rigby has no objection to this request.

7. Telephonic settlement negotiations have also been conducted with objector, Mr. Randy Pehrson. Mr. Pehrson has indicated that he may agree to settle his objection to this water right claim. As of Monday morning, September 11, 1995, the United States has been unable to contact the objector to confirm whether settlement between the parties has been attained. The United States will continue to attempt to reach the objector.

8. With the exception of this subcase, the United States has either reached settlement for all objections to BLM stockwatering claims scheduled for settlement conferences the week of September 11 or has reached agreement with parties to vacate settlement conferences and to proceed to scheduling conference. The United States has filed motions on Monday, September 11, asking that all other settlement conferences scheduled for the week of September 11 be vacated.

9. Attendance at this one settlement conference will require the attorney for the United States to travel from

Washington, D.C., and the BLM representative to travel from Boise.

10. A status conference for this subcase has already been set for October 2, 1995 at 11:00 a.m. The parties may inform the Court at that time of the progress of its informal settlement negotiations and the desirability to reset the settlement conference, set a scheduling conference, or request more time to submit a Standard Form No. 5.

WHEREFORE, for the foregoing reasons the United States respectfully requests that the Court vacate the settlement conference scheduled for the above-listed subcase and permit the parties until October 2, 1995 to submit a fully executed Standard Form 5.

Respectfully submitted,


R. Lee Leininger
Attorney, ENRD

CERTIFICATE OF SERVICE

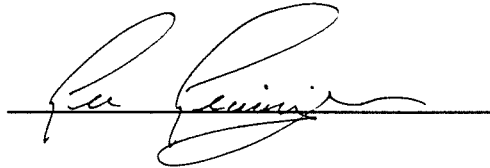
I certify that on the 11th day of September, 1995, I served a true and correct copy of the United States' Motion to Vacate Settlement for subcase 34-04164 upon the following individuals:

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Deputy Attorneys General
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Randy Pehrson
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A handwritten signature in black ink, appearing to read "Randy Pehrson", is written over a horizontal line.