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Department of Water Resources

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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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. See Attached
	)	Exhibit A
	)	
Case No. 39576	)	MOTION TO VACATE
	)	SETTLEMENT CONFERENCES
	)	AND CONTINUANCE TO SUBMIT
	)	FULLY EXECUTED STANDARD
	)	FORMS NO. 5

Descriptive Summary

This is the United States' motion to vacate the
settlement conferences scheduled for the above referenced
subcases on September 13, 14 and 15, and permit the parties

Motion to Vacate
Settlement Conferences

additional time to fully execute and file Standard Forms No. 5 resolving the objections.

Motion

The United States hereby moves to vacate the settlement conferences scheduled for the above referenced subcases.¹ In support of its motion the United States states the following.

A. 34-12838A

1. Mr. Keith Hill ("objector") filed an objection to this claim to a stockwatering right by the United States through the Bureau of Land Management as listed in the Director's Report.

2. The parties have recently reached a settlement agreement that will resolve the objection.

3. A Standard Form No. 5 has been prepared and mailed to the objector for his approval and signature. In a letter accompanying the SF5, the objector was requested to forward the executed document to Department of Justice offices in Boise for filing and service.

4. In a phone conversation between Mr. Hill and DOJ attorney Mr. Bill Ferry on Friday, September 8, Mr. Hill

¹ The United States is moving to vacate all the settlement conferences involving objections to BLM claims for the week of September 11. The United States has reached settlement in forty-one of the fifty subcases scheduled for settlement conferences this week. Settlement has been reached with all the parties with the exception of subcases involving Mr. Herb Whitworth and Mr. Mitchell Sorensen, and Ms. Merle Hone and Mr. Randy Pehrson. Separate motions to vacate the settlement conferences involving these individuals will be immediately forthcoming.

acknowledged receipt of the SF5 and indicated that he will sign and forward the document to the Boise office.

5. Because the parties have reached an agreement to resolve this subcase and are expected to submit a fully executed Standard Form 5 in the near future there is no reason to hold a settlement conference in this matter.

B. Subcases With Walter and Sally R. Johnson Objectors

1. Mr. Walter Johnson and Ms. Sally R. Johnson ("objectors") filed objections to claims to stockwatering rights by the United States through the Bureau of Land Management as listed in the Director's Report. See attached Exhibit A list of subcases.

2. The parties have recently reached a settlement agreement that will resolve the objections.

3. Standard Forms No. 5 were prepared and hand-delivered to Ms. Joan Johnson. The objectors signed the documents and transferred them to a BLM employee for mailing to Department of Justice offices in Boise for filing and service.

4. Because the parties have reached an agreement to resolve these subcases and are expected to submit fully executed Standard Forms 5 in the near future there is no reason to hold a settlement conference in this matter.

C. 34-13387 and 34-13021A

1. Mr. Ross K. Goddard ("objector") filed an objection to stockwatering rights claimed by the United States

through the Bureau of Land Management for subcases 34-13387 and to subcase 34-13021 by and through Goddard Bar 13 Ranch.

2. The parties have recently reached a settlement agreement that will resolve these objections.

3. A Standard Form No. 5 will be prepared and mailed to the objector for his approval and signature. In a letter accompanying the SF5, the objector is requested to forward the executed document to Department of Justice offices in Boise for filing and service.

4. In a phone conversation between Mr. Goddard and DOJ attorney Mr. Bill Ferry on Sunday, September 10, Mr. Goddard indicated that he will execute and forward the document to the Boise office.

5. Because the parties have reached an agreement to resolve this subcase and are expected to submit the fully executed Standard Forms 5 in the near future there is no reason to hold settlement conferences for these subcases.

D. 34-12985A

1. Mr. Lavell R. Purser ("objector") filed an objection to this claim to a stockwatering right by the United States through the Bureau of Land Management as listed in the Director's Report.

2. The parties have recently reached a settlement agreement that will resolve the objection.

3. A Standard Form No. 5 has been prepared and mailed to the objector for his approval and signature. In a letter accompanying the SF5, the objector was requested to forward the executed document to Department of Justice offices in Boise for filing and service.

4. Because the parties have reached an agreement to resolve this subcase and are expected to submit a fully executed Standard Form No. 5 in the near future there is no reason to hold a settlement conference in this matter.

E. 34-12943

1. The United States, through the Bureau of Land Management, is the only objector to this claim to a stockwatering right by the United States through the Bureau of Land Management. The United States has objected to the denial of this claim by the Director of the Idaho Department of Water Resources.

2. The United States is currently reviewing this claim and analyzing the case file to determine how to resolve this matter.

3. Because the United States is the only party to this subcase and because the United States has and will continue to communicate with the IDWR for technical advice, a settlement conference is unnecessary.

4. The United States will submit in the near future a fully executed Standard Form 5 or an appropriate motion to fully resolve this matter.

F. 34-13260 and 34-13260A

1. The United States contacted Mr. Logan E. Williams on Friday, September 11, 1995 to inform him that the settlement conference scheduled for these subcases has been vacated. Mr. Williams was informed that an Order from the Court vacating this conference and dismissing the objection would be forth-coming.

G. 34-12763A

1. Mr. Mitchell Sorensen and Ms. Joan Johnson have filed an objection to this claim to a stockwatering right by the United States through the Bureau of Land Management as listed in the Director's Report.

2. Ms. Johnson has recently reached a settlement agreement that will resolve her objection. Mr. Sorensen and the United States have not resolved Mr. Sorensen's objection and, pursuant to a motion to vacate expected to be filed with the Court today for subcases involving Mr. Sorensen as objector to BLM stockwatering claims, ask that a scheduling conference be set for this subcase.

3. A stipulation to resolve the objection by Ms. Johnson will be filed in the near future. Because Ms. Johnson and the United States have reached an agreement to resolve this subcase and Mr. Sorensen and the United States have agreed that a scheduling conference should be conducted, there is no reason to hold a settlement conference in this matter.

H. 34-04164

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 fully executed Standard Form No. 5 was recently submitted to the Court. The submission of the SF5 at this time was inadvertent. The United States intended to submit four SF5s resolving all the objections to this water right at the same time. This procedure of four separately executed SF5s was expected to be simpler than circulation of one document to all the parties for their signature. However, the submission of the SF5 signed by Mr. Asay indicates that a resolution with this party and the United States has been reached and a settlement conference is unnecessary.

4. Because the United States and Mr. Reed Asay have reached an agreement to resolve this subcase and have submitted a fully executed Standard Form No. 5 there is no reason to hold a settlement conference between these parties in this matter.

WHEREFORE, for the foregoing reasons and the reasons set forth in the motions to vacate filed or expected to be filed

Monday, September 11, the United States respectfully requests that the Court vacate the settlement conferences scheduled for the above-listed subcases and permit the parties until September 22 to submit a fully executed Standard Form 5.

Respectfully submitted,

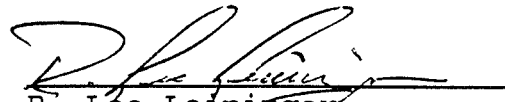

R. Lee Leininger
Attorney, ENRD

EXHIBIT A

List of subcases pursuant to United States' Motion to Vacate Settlement and Continuance to Submit a Fully Executed Standard Form 5:

34-12838A	34-13387	34-13021A
34-12985A	34-13260	34-13260A
34-04164	34-12763A	

34-12795-A
34-12796-A
34-12797-A
34-12800-A
34-12801-A
34-12802-A
34-12803-A
34-12804-A
34-12807-A
34-12809-A
34-12812-A
34-12813-A
34-12815-A
34-12816-A
34-12817-A
34-12818-A
34-12819-A
34-12820-A
34-12821-A
34-12822-A
34-12823-A
34-12824-A
34-12904-A
34-12905-A
34-12907-A
34-12908-A
34-12909-A
34-12910-A
34-12911-A
34-12916-A
34-12917-A
34-12918-A

CERTIFICATE OF SERVICE

I certify that on the 11 day of September, 1995, I served a true and correct copy of the United States' Motion to Vacate Settlement and Continuance to Submit a Fully Executed Standard Form 5 for subcase on attached Exhibit A upon the following individuals:

Susan Hamlin/ Matt Howard
Deputy Attorneys General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

Joan Johnson/ Walter Johnson
Sally Johnson
Star Route
Mackay, ID 83251

Six Flags Inc.
500 Bergeson
Blackfoot ID 83221

Keith Hill
Star Route
Mackay, ID 83251

Randy Pehrson
Rt. 1, Box 32
Darlington, ID 83231

Goddard Bar 13 Ranch
Star Route
Mackay, ID 83251

Ross Goddard
Star Route
Mackay, ID 83251

Logan Williams
HC 86 Box 4160
Mackay, ID 83251

Lavell Purser
315 N. 4150 E.
Rigby, ID 83442

Reed Asay
Route 1 Box 30E
Mackay, ID 83251

George Hone
Rt. 1, Box 265
Darlington, ID 83231

