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Department of Water Resources
Adjudication Bureau

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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

Case No. 39576

) Subcase Nos.
) 34-12869A, 34-12763, 34-12763A

) MOTION TO VACATE
) SETTLEMENT CONFERENCES
) AND TO SET SCHEDULING
) CONFERENCE
)

Descriptive Summary

This is the United States' motion to vacate the
settlement conference scheduled for subcase nos. 34-12869A, and
34-12763A on September 15, 1995, and to set a scheduling
conference for these subcases.

Motion to Vacate
Settlement Conference
Subcase No. 34-12943, et. al.

Motion

The United States hereby moves to vacate the settlement conferences scheduled for these subcases on September 14 and 15, 1995 in Arco, Idaho. In support of its motion the United States states the following:

1. Mr. Mitchell Sorensen ("objector") filed an objection to these claims to stockwatering rights by the United States through the Bureau of Land Management as listed in the Director's Report.
2. On June 9, 1995, an attorney with the Department of Justice and a representative of the BLM met with the objector in Mackay, Idaho for the purpose of informal settlement negotiations of objections filed against BLM claims.
3. On August 11, 1995, the objector and Department of Justice and BLM personnel participated in a mandatory settlement conference in Arco, Idaho regarding objections to BLM stockwatering claims. The parties discussed issues relevant to all objections filed by objector to the BLM's stockwatering claims. The parties were unable to reach settlement or agreement on proposed elements of the water right.
4. Objector was contacted by the United States on September 5 to discuss possible settlement of the subcases scheduled for settlement conferences on September 14 and 15, and to determine whether new issues have arisen that merit further discussion. The objector and the United States agreed that the

scheduled settlement conferences involve subcases with the same legal and factual matters in dispute as those previously discussed among the parties. The parties further agree that no new issues have arisen or are likely to arise beyond what has already been discussed in the previous informal and formal settlement discussions.

5. The United States has sent to the objector for his consideration a Standard Form No. 5 to resolve the objection pursuant to terms discussed in the prior settlement discussions.

6. The parties agree that further settlement negotiations are not warranted and agree that another mandatory settlement conference would not be fruitful.

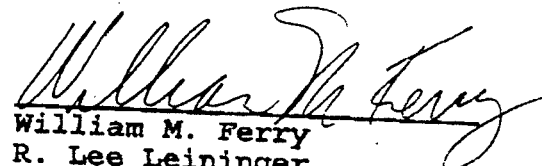
7. The parties request that the Court vacate the settlement conferences and proceed with the setting of a scheduling conference for these subcases. The resources of the parties and the Court will be conserved by the vacating of an unnecessary settlement conference. In addition, the setting of a scheduling conference will permit the parties additional time to consider, and potentially execute and submit the Standard Form 5 in the objector's possession.

8. Mrs. Joan Johnson, a second objector to water right claim no. 34-12763, has agreed to resolve her objection to this subcase. A stipulation to resolve her objection will be submitted to the Court in the near future. Because settlement has been reached between the United States and Mrs. Johnson, it

is unnecessary to conduct a settlement conference among these parties.

WHEREFORE, for the foregoing reasons the United States respectfully requests that the Court vacate the settlement conferences scheduled for these subcases and set the subcases for a scheduling conference.

Respectfully submitted,


William M. Ferry
R. Lee Leininger
Attorneys, USDOJ

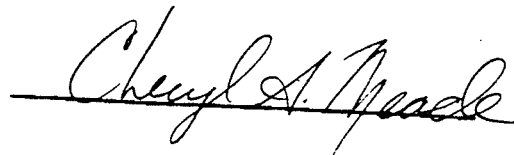
CERTIFICATE OF SERVICE

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 Conferences upon the following individuals:

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Motion to Vacate
Settlement Conference
Subcase No. 34-12943, et. al.